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AUTHOR Satz, Ronald N.; And Others
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ABSTRACT

In 1989 Wisconsin legislation mandated the integration of American Indian history, culture, and tribal sovereignty into the K-12 social studies curriculum as a component of multicultural education. This document assists teachers to fulfill that mandate, as well as to meet statutory requirements of instruction on the Chippewa Indians' treaty-based, off-reservation rights to hunt, fish, and gather. This guide is divided into self-contained teaching sections: elementary, middle school, and high school. Each section contains nine specific activities. The elementary level builds concepts and competencies for the middle school level, which does the same for the high school level. Each section: (1) presents a brief overview of the Chippewa (Anishinabe) culture, political structure, and relationship to the environment; (2) discusses the nature of the federal-Indian relationship through the treaty-making era; (3) examines the reservations established for Wisconsin's Chippewas in the mid-19th century; (4) discusses infringements on Chippewa treaty rights and acculturation efforts during the late 19th and into the 20th century; (5) outlines federal court decisions upholding reserved rights; and (6) examines the roles played by the six Chippewa bands and the state in protecting northern Wisconsin's natural resources. Each activity contains necessary background information, objectives, concepts, "fundamentals" (chiefly references to primary sources), and procedures. The 35 fundamentals are the basic elemental materials for the activities. These materials have been carefully transcribed from original documents and include letters, drawings and photographs, charts and figures, texts of treaties, and records of court litigation. Also included are a glossary and a selected bibliography of 87 entries. (SV)

CLASSROOM ACTIVITIES ON

Chippewa Treaty Rights

SYMBOLIC PETITION OF CHIPPEWA CHIEFS,
presented at Washington, January 28th 1849, headed by Oshcabawis of Monomonecau, Wisconsin.

ED345920
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Wisconsin Department of Public Instruction
Herbert J. Grover, State Superintendent

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Classroom Activities on Chippewa Treaty Rights

Wisconsin Department of Public Instruction
Herbert J. Grover, State Superintendent

Ronald N. Satz
Dean of Graduate Studies and University Research
Professor, Department of History
University of Wisconsin-Eau Claire

Anthony G. Gulig
Lecturer, Department of History
University of Wisconsin-Eau Claire

Richard St. Germaine
Professor, Department of History
Department of Foundations of Education
University of Wisconsin-Eau Claire

Victor J. Contrucci
Administrator
Division for Handicapped Children
and Pupil Services

William J. Erpenbach
Director
Bureau for Educational Equity
Programs

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Foreword

Until very recently, the study of American Indians has been a formidable task in the United States. Doctoral dissertations and esoteric works have focused on historical, legal, and political documents regarding American Indians, but these works are shared primarily by the academic elite. Few authors have undertaken the challenge of making these materials accessible for elementary and secondary instruction. The Wisconsin Department of Public Instruction is therefore pleased to introduce this innovative guide.

Classroom Activities on Chippewa Treaty Rights was developed pursuant to s. 115.28(17)(d), Wis. Stats., which calls for development of curriculums on the Chippewa Indians' treaty-based, off-reservation rights to hunt, fish, and gather. The guide builds upon nearly three years of research by Dr. Ronald Satz and others. Its development has been coordinated with the American Indian Language and Culture Education Board (AILCEB), and it has undergone substantial and broad-based review. It has been evaluated formally by the AILCEB and the DPI's own ad hoc advisory committee of Indian and non-Indian educators, and by curriculum and instructional personnel in Wisconsin school districts. All have confirmed that this is an accurate and pedagogically sound resource.

This guide continues a DPI tradition of publishing progressive, groundbreaking classroom activity guides for teachers. We acknowledge that being on the cutting edge gives us the opportunity to grow and expand, so we welcome feedback from educators on our products. It is my hope that Wisconsin's educators and children will gain a new depth and breadth of understanding about their state from the rich history of the Chippewa people.

Herbert J. Grover
State Superintendent

Preface

Wisconsin's American Indian student population and the overall American Indian population have caught the public's interest, resulting in the passage of the 1989 Wisconsin Act 31 which provides K-12 instruction about American Indians for all of Wisconsin's students.

As a component of multicultural education, this specific legislation mandates the integration of American Indian history, culture, and tribal sovereignty into the social studies curriculum in public schools. *Classroom Activities on Chippewa Treaty Rights* is part of the Department of Public Instruction's strategy to assist teachers in fulfilling this mandate.

Classroom Activities on Chippewa Treaty Rights is intended to assist school districts in their efforts to fulfill the requirements of Wisconsin Statutes 115.4(17)(d), which requires instruction on the Chippewa Indians' treaty-based, off-reservation rights to hunt, fish, and gather. It will also serve to broaden the perspectives of teachers and students and enhance their understanding of all this nation's inhabitants.

The Department of Public Instruction's American Indian Studies Program staff, in addition to assisting with the development of this guide, provides direction and expertise in the identification and development of appropriate curriculum resources. It also provides staff development and technical assistance through inservice, workshop, and conference formats. School districts are encouraged to contact the DPI's American Indian Studies Program staff for additional assistance with the implementation of the 1989 Wisconsin Act 31 American Indian mandate.

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Howard Bichler
Tribal Attorney
St. Croix Chippewa Indians of Wisconsin

Barbara A. Bitters
Section Chief, Equity and Multicultural Education
Wisconsin Department of Public Instruction

Allan J. Caldwell
Consultant, American Indian Studies Program
Wisconsin Department of Public Instruction

Laura Evert
Center of Excellence for Faculty and Undergraduate Student Research Collaboration
University of Wisconsin-Eau Claire

Angela Firkus
School of Graduate Studies
University of Wisconsin-Eau Claire

William A. Gollnick
Consultant, American Indian Studies Program
Wisconsin Department of Public Instruction

Rhoda Maxwell
Department of Curriculum Instruction and Department of English
University of Wisconsin-Eau Claire

Media Development Center
University of Wisconsin-Eau Claire

Rebecca Olien
Randall School
Eau Claire Area School District

Tim Pfaff
Chippewa Valley Museum
Eau Claire

Peter E. Roller
Wisconsin Education Association Council

Jim St. Arnold
Director of the Administration for Native Americans Program
Great Lakes Indian Fish and Wildlife Commission
Odanah

Ernest St. Germaine
Lac du Flambeau Band of Lake Superior Chippewa Indians

Christa G. Satz
Putnam Heights School
Eau Claire Area School District

James Schlender
Executive Administrator
Great Lakes Indian Fish and Wildlife Commission
Odanah

Diane Schmidt
Chippewa Valley Museum
Eau Claire

Michael Staggs
Bureau of Fisheries Management
Wisconsin Department of Natural Resources
Madison

Francis W. Steindorf
Consultant, American Indian Studies Program
Wisconsin Department of Public Instruction

James Thannum
Natural Resource Development Specialist
Great Lakes Indian Fish and Wildlife Commission
Odanah

Wisconsin Academy of Sciences, Arts, and Letters
Madison

James Zorn
Policy Analyst
Great Lakes Indian Fish and Wildlife Commission
Odanah

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The guide should be considered a preliminary work. Teachers are encouraged to send suggestions for improving the guide as well as examples of teacher-generated activities to the Department of Public Instruction using the same format that appears on the following pages. Future editions of this guide may incorporate teacher-generated activities and strategies, acknowledging contributors by name and affiliation. A cover sheet for submitting such material appears in Appendix C.

This guide and Satz's *Chippewa Treaty Rights* book are products of the ongoing Chippewa Treaty Rights Project, a component of the Wisconsin Indian History, Culture, and Tribal Sovereignty Project at the University of Wisconsin-Eau Claire in which all three authors of this guide are participants.

Introduction

The reserved rights of Wisconsin's Chippewa Indians must be understood in their historic as well as their contemporary context. This guide contains activities to help teachers provide instruction in accordance with the provisions of 1989 Wisconsin Act 31 about the Chippewa Indians' treaty-based, off-reservation rights to hunt, fish, and gather. The guide emphasizes the historical context in which rights were reserved by the Chippewas and recognized by the federal government as well as the more contemporary context of federal court decisions that have upheld the Chippewas' reserved rights after a long period during which they were restricted by the state.

Throughout the guide the terms Anishinabe, Ojibwa, and Chippewa are used in their historical context. Anishinabe is the Chippewas' name for themselves that, literally translated, means "the original people," while Ojibwa is the name early French fur traders applied to the Chippewas. Chippewa is the name by which the Anishinabe are known today. The authors use the term "Indians" rather than "Native Americans" to designate Chippewa or other American natives because "Indians" is simple, traditional, neutral, and generally preferable to other terms. The word "Chippewa" refers to the people of various Ojibwa-speaking bands, and "Ojibwa" refers to the language itself. The authors allude to the collective members of Chippewa bands in the plural: "Chippewas." For additional information on the meaning and usage of these names, consult the glossary in Appendix A.

The guide is divided into three self-contained teaching sections: elementary, middle school, and high school. Each section is subdivided into nine specific activities. Some are designed to be taught during one class period, however teachers may wish to extend the activities if additional time or procedures seem appropriate. It is important that the activities be taught in the order described in this guide regardless of the length of time devoted to each individual activity since each builds concepts and a knowledge base of the previous activity.

The guide has been designed so that the elementary level builds concepts and competencies for the middle-school section and that the middle-school level builds concepts and competencies for the high school section. Each section begins with a brief overview of the Chippewa (Anishinabe) culture, political structure, and relationship to their environment. Subsequent lessons at each level discuss the nature of the federal-Indian relationship through the treaty-making era. The lessons then examine the reservations that were established for Wisconsin's Chippewas in the mid-nineteenth century. During the late nineteenth century, and for much of the twentieth century, Chippewa reserved rights and culture were under assault. Infringements against treaty rights and efforts to acculturate the Indians provide the focus of subsequent lessons.

The relationship between culture and the political process of treaty-making is important and should not be overlooked. European settlers introduced many cultural changes to the Chippewa people, altering and eroding their traditional family and community structures. This in turn weakened the Chippewa's position in the treaty-making process. Furthermore, the entire concept of ownership of land and natural resources, upon which the U.S. government based its desire to negotiate treaties, was alien to Chippewa culture.

The activities on the relation of acculturation to treaty rights are followed by activities dealing with recent federal court decisions that have upheld the reserved rights

recognized in the treaties of 1837, 1842, and 1854. The final lesson at each level closes the unit with an examination of the roles played by the six Chippewa bands and the state in protecting and preserving Northern Wisconsin resources for the enjoyment of Indian and non-Indian users alike.

Each individual lesson consists of the following five components: necessary background information, objectives, concepts, fundamentals, and procedures. The necessary background information is based on the Great Lakes Indian Fish and Wildlife Commission's *Chippewa Treaty Rights: A Guide to Understanding Treaty Rights; Hunting . . . Fishing . . . Gathering . . . , A Chippewa Tradition*; and Ronald N. Satz's *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Both of these publications are readily available and provide the information base necessary for presenting the topics contained in this guide. For publication information, see Appendix B.

Specific objectives and concepts are listed for each activity and are designed from the first to give the students a basis of understanding for each that follows. Concepts listed for a specific activity are occasionally repeated in following lessons if appropriate to the topics under discussion. All of the concepts are defined in the glossary, Appendix A.

The fundamentals, as the name suggests, are the basic elemental materials for the activity. Those that are listed by number are included in this book; those without a number are teacher-generated.

The fundamentals are a special feature of the guide because of the use and inclusion of primary source materials such as treaty journals and manuscript letters. These materials have been carefully transcribed from original documents. All spelling or grammar errors in the original materials and any footnotes or marginal notes have been retained unless otherwise noted. In certain cases, explanatory footnotes have been added to help clarify the text when the meaning would otherwise be unclear. Normative words such as "civilized," "barbarism," or "savage" in these original documents reflect the attitude of the primary document's author, and teachers *must*, take care to ensure that their students understand how such characterizations reflect cultural biases. The authors understand that the entire text of a treaty is often too long, complex, and sophisticated for young readers. However, it is important that students have access to the treaty in its entirety so they have a complete context for the information. Teachers must judge by the make-up of their class how much of the treaty will be relevant and possible to discuss.

The procedures in each lesson are suggestions to the teacher and may certainly be modified to fit an individual class or classroom setting. In many instances, alternative procedures have also been included for variety. It is the hope of the authors that teachers who design their own activities or procedures will send them to the address listed on the suggestion form included as Appendix C so that they may be included in future editions.

The resources listed at the end of each section are intended to provide suggestions for further study for each of the activities and deal specifically with the topic of the activity in which they are listed. This activity guide, used in conjunction with the Department of Public Instruction's publication, *A Guide to Curriculum Planning in Social Studies*, will assist teachers in expanding and improving students' knowledge of Wisconsin history and current events.

Lesson Format—Elementary

Introduction
The Anishinabe People and Their Relationship to the Environment
Treaties and Treaty-Making
Federal-Indian Relations
Reservations, Not Removal
Denial of Anishinabe Culture
Reaffirmation of Treaty Rights
Chippewa Treaty Rights and Resource Management
Resources

Introduction

The elementary-level activities can be taught in grades four, five, or six and lay the basis for an understanding of Chippewa treaty rights that will continue and develop at the middle and high school levels. Probably the greatest challenge for elementary teachers is the simplification of complex ideas and materials. Because concepts and objectives in this guide are at their most basic on this level, teachers are encouraged to modify the amount of time given to each activity to fit the needs of their students. At the elementary level especially, the activities require more time and tailoring for young minds. Also, the treaties and many of the other fundamentals contain sophisticated, sometimes archaic language. Teachers cannot expect younger students to read and analyze entire documents, and must decide individually on the most relevant sections of the documents upon which they can realistically focus in the time they have to teach. Access to documents in their entirety is important so that, whatever the grade level, students can have complete information.

The first two activities stress the Anishinabe's (Chippewas') relationship to and reliance upon the natural environment. Their relationship to the environment reflected a subsistence lifestyle in which all members of the family, nuclear and extended, worked in various appropriate seasonal activities by which they supported themselves from year to year. This land-based work cycle is the foundation of the rights that the Chippewas retained in their treaties with the federal government.

The treaty relationship formed between the Chippewas and the United States federal government is the focus of the next two activities. A key concept included in these activities is the similarity between a formal contract and these treaties. Building on the concept of a contract, the students can then identify what the federal government and the Chippewa Indians believed took place in the negotiations.

Activity 5 concentrates on disparate views of the relationship between the federal government and the Indians. Using the treaty journal provided in the fundamentals to exemplify the differences in views of the Indians and the federal treaty commissioners, the students will identify how such differences in views led to an imbalance in power in the negotiations.

The purpose of establishing Chippewa reservations is the focus of Activity 6. Emphasis is also placed on the impact of reservations on the traditional lifestyle and seasonal cycle of the Chippewas. With their land base drastically reduced, and with strict regulations increasingly placed on activities such as hunting, fishing, and gathering, the traditional lifestyle of the Chippewas came under assault.

The boarding school experience covered in Activity 7 shows ways in which the Chippewas' culture, lifestyle, and traditional livelihood was denied to them for a long period of time, beginning in the late nineteenth century until recent times. Beyond the more tangible things the Indians temporarily lost, such as the food they gained through hunting and gathering, the activity emphasizes more intangible losses. This assault on Indian culture damaged the self-esteem and strong kinship bonds stressed in the Chippewas' family.

The student comes to an understanding of how the treaty rights recognized by the treaties of 1837 and 1842 were reaffirmed by the federal courts in the 1980s while

using Activity 8. The activity also emphasizes the importance of those reaffirmed treaty rights to contemporary subsistence activity of the Chippewa Indians.

The final activity closes the unit by stressing the ways in which the state, the six bands of Chippewa Indians in Wisconsin, and the Great Lakes Indian Fish and Wildlife Commission work to manage the natural resources in northern Wisconsin. Using recent statistical data on the resources affected by off-reservation treaty harvesting and non-Indian angling and hunting, this activity gives the students an understanding of how the resources in the state are protected and managed for the enjoyment of all state residents and visitors.

The Anishinabe People and Their Relationship to the Environment Part I

Necessary Background Information

• See "Foreword" and Chapter 1 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
• be able to identify ways in which Anishinabe culture is based on land, water, and other natural resources.
• understand some important aspects of the subsistence nature of traditional Anishinabe culture.
• understand the Anishinabe family structure in the context of the seasonal work cycle.

Concepts

• Subsistence is a means of gaining the products needed to support life directly from the natural environment.
• The Anishinabe (Chippewa) people made their living from the land by harvesting a wide variety of plants and hunting or trapping various animals.
• All members in the traditional Anishinabe family played a role in hunting, fishing, and gathering and shared the products of their labor.
• The work cycle represents the various seasonal activities by which the Anishinabe people made their living from the land.
• The environment and specific geographical region help form Chippewa lifestyle and tradition.

Fundamentals

• 1, Pretest on Chippewa Reserved Treaty Rights
• 2, Seasonal Activities of the Anishinabe People
• 3, Traditional Family and Clan Structure of the Anishinabe
• Cards representing seasonal activities appearing on model chart in Fundamental 2 and family activities from Fundamental 3 (teacher generated)
• Student journal

Procedures

• Administer the pretest in Fundamental 1. The questions in this test will be addressed in the following nine lessons.
• Ask the students to identify how Wisconsin's changing seasons might affect people's subsistence activity. The example of farming might stimulate the students' thinking as far as different seasonal activities are concerned. In what season do people plant and harvest? When do people fish and hunt? Did the Anishinabe do two or more activities at the same time?

• Provide cards describing different seasonal subsistence activities in which the Anishinabe were involved: hunting, trapping, fishing, ricing, and sugaring.
• Provide another set that describes who did which activity.
• Ask the students to place the activities represented by the activity cards, both seasonal and family, in the appropriate place on the blank seasonal chart in Fundamental 2B.
• Using the seasonal activities chart have the students explain how the Anishinabe culture and lifestyle relates to the land on which they live.
• Either as a class, or in small groups, have students create a "day in the life" description for Anishinabe people their own age. This can be a chart, graph, montage, or whatever form seems most appropriate. **Note:** Make sure students realize that the concept of time for the Anishinabe was naturally constructed and did not rely on clocks or calendars.
• Complete this and each subsequent lesson in this unit by having the students answer each lesson's concluding questions in a journal.
• Journal questions:
— How is your life affected by the changing seasons?
— How was the traditional Anishinabe lifestyle affected by the changing seasons?
— What are some differences between your lifestyle and the Anishinabe lifestyle?
— What are some differences between your family's division of work and the Anishinabe?
— What are some similarities between your family's division of work and the Anishinabe?
— How is your lifestyle similar to the Anishinabe lifestyle?
— How would your life be different if you were more closely involved in the same activities and experiences as the Anishinabe?

Note: As the class completes this part of a two-part activity, it is important to remind the students that while some Anishinabe continue to follow these traditional activities noted in the seasonal activities chart, others follow patterns identical to those of non-Indians. There is more emphasis on this aspect in the next activity. Even though some Chippewas do not follow traditional ways, they still may honor and respect the traditional cycle and lifestyle followed by other members of their tribe or band.

The Anishinabe People and Their Relationship to the Environment Part II

Necessary Background Information

• See "Foreword" and Chapter 1 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
• understand the importance of seasonal activities to the culture and lifestyle of the Anishinabe people and within the context of the Anishinabe family.
• be able to identify some of the various subsistence activities on which the Anishinabe rely and the seasons in which they occur.
• gain an appreciation for the traditional subsistence activities of the Anishinabe people.

Concepts

See Activity 1.

Fundamentals

• 2, Seasonal Activities of the Anishinabe People
• 3, Traditional Family and Clan Structure of the Anishinabe
• 5, A-F, Pictures and Drawings Regarding Chippewa Culture
• Student journal

Procedures

• Review with the students the importance of the various seasonal activities described in Activity 1. Have the students explain why certain activities must take place during certain seasons. Refer them to the model chart, the chart which they completed, and the "day in the life" creation.
• Ask the students to look at the model chart and identify those activities that most likely evolved *after* contact with European settlers and then U.S. citizens moving west.
• Review with the students how the changing seasons affect their own lives.
• Show the students the pictures and drawings depicting the traditional Chippewa culture found in Fundamental 5, A-F.
• Ask the students to identify in each picture and drawing what is taking place, when or where the activity is taking place, and who is involved.

Note: The caption at the bottom of each picture or drawing describes the activity, season, and people involved.

Fundamental 5A shows hunting in winter on snowshoes. Chippewas frequently hunted small game, deer, and other big game on snowshoes in the winter.

Fundamental 5B shows Chippewas gathering wild rice in the fall. Canoes were used to enter the rice beds and the wild rice stalks were gently bent over the canoe and struck with sticks to shake the loose, ripe rice into the canoe.

Fundamental 5C shows the process of making maple sap into sugar in the early spring. Men cut wood and gathered the sap while women and children tended the fires which were used to boil the raw sap into syrup and then into maple sugar. Maple sugar was an important staple in the Chippewas' diet.

Fundamentals 5D and 5E show the process of building a birch-bark canoe. The outer bark of a birch tree is stripped and then the bark is laced with spruce roots over the shaped frame as shown in Fundamental 5E.

Fundamental 5F shows a woman preparing splints in the basket-making process. Baskets were crucial in many of the subsistence activities such as ricing, sugaring, and fishing.

- Ask the students to explain how the changing seasons affect the work cycle of the Anishinabe people.
- Journal questions:

— What similarities exist between your own changing seasonal activities and those of the Anishinabe?

— Which seasonal activities seem most important to your lifestyle?

— Which seasonal activities do you think seem the most important to Anishinabe lifestyle?

— As you identified in the seasonal activities chart, the Anishinabe relied on many different resources for the survival. How would your life be different in each of the four seasons if grocery stores and modern furnaces were not available?

Treaties and Treaty Making
Part I

Necessary Background Information

• See Chapters 1 and 2 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
- understand that treaties are contracts between nations.
- understand some of the difficulties inherent in treaty making.
- be able to identify the importance of mutual understanding in treaty making.

Concepts

- A contract is a formal and binding agreement between two parties.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."
- For negotiations to take place fairly, both parties must give their consent to the agreement at hand and should fully understand all aspects of the agreement.
- In the Northwest Ordinance, the United States pledged to act in "good faith"—that is, honestly and fairly—toward the Indians who inhabited what was to become United States territory.
- Land ownership can be recognized through a formal title or a deed to the land or property or, as in the case of Wisconsin's Chippewas, can be recognized in a treaty with the federal government.
- Property rights are the usual rights that go with owning and occupying property and allow the holders to do as they please with or on their property, provided this does not harm or interfere with the rights of others. Property rights can extend beyond actual ownership if they are retained at the time of sale.
- When the Chippewas ceded land to the United States, they chose to retain certain rights to that land, or property; those reserved rights included hunting, fishing, and gathering.

Fundamentals

- 14, Blank Treaty
- 16, Treaty with the Chippewa, 1837
- Student journal

Procedures

- Divide the class into two groups of very *unequal* size.
- Explain to the larger group that it must negotiate purchase of the entire playground and that the smaller group is recognized as the current owner of the playground.

• Explain to the smaller group that it is unwilling to sell the entire playground, but will allow the larger group to use the playground equipment.
• Select a negotiator and a note-taker from each side and, using copies of the blank treaty in Fundamental 14, ask students to draw up an agreement by which the above provisions are met. Make sure the students include a physical description of the land (playground) in question, as well as the specific provisions regarding the use of the equipment, payments, and other terms of the "sale." Show the students the 1837 Treaty with the Chippewa found in Fundamental 16. Have the students make their document resemble the historical treaty.
• Upon completion of the negotiations, ask all students on both sides to sign the agreement. Also have students act as witnesses and sign the agreement.
• Have the students read and compare their treaty to the treaty with the Chippewa.
• Journal questions:
— What difficulties did you encounter in making your contract?
— How is your contract similar to an actual treaty?
— Was the bargaining situation you experienced fair? Why or why not?

Optional Procedures

Stress that in actual treaty negotiations between the United States and the Chippewas in the 1800s the treaty commissioners could not speak the Ojibwa language, and the Indian negotiators could not speak the English language. The negotiation took place through interpreters.

Ask one group to negotiate without speaking. The use of sign language will help illustrate the communication problems that existed during treaty negotiations.

Treaties and Treaty Making
Part II

Necessary Background Information

• See Chapters 1-2 and Appendixes 1-2 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
• understand historical implications of treaty-making on the culture and lifestyle of the Anishinabe people.
• be able to identify the different concepts of land ownership held by the Anishinabe and the U.S. government.

Concepts

See Activity 3.

Fundamentals

• Completed treaty document from Activity 3
• 16, Treaty with the Chippewa, July 29, 1837
• Student journal

Procedures

• Ask the students to define the terms "contract" and "good faith."
• Distribute copies or make an overhead of the students' playground agreement and ask them to explain which parts of the agreement relate to property rights, land ownership, consent, and "good faith" between the two parties regarding the use of playground equipment.
• Discuss any difficulties the students encountered in negotiating the agreement.
• Make and display to the students an overhead of the Treaty with the Chippewa found in Fundamental 16.
• Ask the students to identify the ways in which their agreement or "contract" is similar to the 1837 treaty. How is their contract or "treaty" different than the 1837 treaty?
• Stress to the students that the age of a contract does not necessarily undermine its validity. Cite the U.S. Constitution and the Bill of Rights as examples of contracts without expiration dates or conditions of time. Ask them if they can think of other examples.
• Journal questions:
— Which of the difficulties you experienced in your treaty-making experience would have been made worse if each negotiating side spoke a different language?
— Which negotiating side had an advantage? Why?
— Could the negotiations have been made more fair?
— What are the long-term effects of the negotiations, that is, what effect would it have on next year's students if the negotiations were binding on them?
— How would you feel if the other side broke the promises described in the contract?

Federal-Indian Relations

Necessary Background Information

- See p. 14 in Great Lakes Indian Fish and Wildlife Commission (GLIFWC).
- See Chapters 1-2 and Appendixes 1-2 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
- be able to identify the federal government's view of the 1837 treaty. (Fundamental 16)
- be able to identify the Indians' view of the 1837 treaty.
- understand the imbalance of power in the 1837 U.S.-Chippewa treaty negotiations.

Concepts

- According to the Northwest Ordinance, the United States hoped to promote "peace and friendship" with the Indians.
- The "good faith" of which the Northwest Ordinance spoke concerning Indians implied the purchase of Indian lands through treaties.
- The consent of the Indians in negotiating treaties was sometimes coerced through the presence of the United States military at the treaty proceedings.

Fundamentals

- Completed treaty document from Activity 3
- 5, G-K, Pictures and Drawings Regarding Chippewa Culture
- 15, Journal of the Proceedings of . . . 1837
- Student journal

Procedures

- Remind the students of the contract or treaty that they negotiated in Activity 3.
- Ask the students to identify ways in which any troubles they experienced could have been eliminated. Ask them to identify ways that facilitated the negotiations.
- Ask them if they could trust the other side in the negotiation process. Why or why not?
- Define the word "consent" for the students and ask them to identify the parts of their contract that are based on consent.
- Did their contract promote "peace and friendship" between the two parties? Why or why not?
- Read aloud the dialogue between Governor Henry Dodge and Chippewa Chief Flat Mouth regarding the terms of the 1837 land cession found in Fundamental 15.
- Ask the students to identify what Governor Henry Dodge is seeking to obtain from the Indians for the U.S. government.
- Ask the students to identify the Chippewas' desires as expressed by Chief Flat Mouth.

- The presence of U.S. soldiers at treaty negotiations was common. Using Fundamental 5G as an example of the presence of the military, ask the students if they believe the presence of the military at the Chippewa treaty negotiations in 1837 might have influenced the Chippewas' decision to sign the treaty.
- Journal questions:

— Write in your own words
  - the desires of the federal government as expressed by Governor Henry Dodge.
  - the desires of the Chippewas as expressed by Chief Flat Mouth.

— Did the treaty you negotiated over the playground promote "peace and friendship" between the two parties?

— Was "good faith" part of the treaty negotiations between Governor Dodge and Chief Flat Mouth? If so, how? If not, how not?

— Was "good faith" part of your negotiations? If so, how? If not, why not?

Reservations, Not Removal

Necessary Background Information

- See pp. 15-18 in Great Lakes Indian Fish and Wildlife Commission (GLIFWC). *Chippewa Treaty Rights.* Odanah, WI: GLIFWC, 1991.
- See Chapters 3-5 and Appendixes 5-6 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
- be able to locate the Chippewa land cessions of 1837 and 1842 on a map of modern day Wisconsin.
- be able to locate the Chippewa reservations on a map.
- be able to identify some of the reasons Chippewas living in Wisconsin wanted permanent reservations in the state.
- understand some of the effects of the reservations on the Chippewa lifestyle.

Concepts

- The land comprising what is now approximately the northern third of Wisconsin was sold to the federal government by the Chippewa Indians through treaties in 1837 and 1842 and is now commonly called the ceded territory.
- Wisconsin's Chippewa Indians were able to avoid removal, that is, forced relocation by the U.S. government, to land west of the Mississippi River because they had reserved the right to hunt, fish, and gather on their ceded lands.
- An Indian reservation, such as Lac du Flambeau, has carefully surveyed boundaries and is a relatively small piece of land compared to the land on which the Indians hunted, fished, and gathered prior to their treaties with the federal government.
- The traditional seasonal cycle by which Wisconsin's Chippewa Indians supported themselves and structured their family life became increasingly difficult due to their limited land base after the establishment of reservations.

Fundamentals

- 2, Seasonal Activities of the Anishinabe People
- 3, Traditional Family and Clan Structure of the Anishinabe
- 20, Treaty with the Chippewa, September 30, 1854
- 21, Land Cessions
- 22, Chief Buffalo's Memorial to President Millard Fillmore
- 24, Reservations in Wisconsin
- 27, Commissioner of Indian Affairs Report for 1891
- Blank map of Wisconsin (teacher generated)
- Student journal

Procedures

- Distribute to students or produce an overhead of the maps including land cessions in Wisconsin and the current Chippewa reservations. (Fundamentals 21 and 24)

- Remind students of the work cycle described in Activity 2.
- Ask the students to answer the following questions:

— What effect would establishing limited reservations have on the annual work cycle of the Chippewas if their land base was reduced from the area defined by the land cession lines to that defined by the reservation boundaries? Remind the students that the treaties reserved for the Indians the rights to hunt, fish, and gather in the ceded territory.

— What other ways could the Chippewas make a living with their land reduced so drastically?

Note: The traditional subsistence lifestyle of the Chippewas required a large geographic base and it was not nearly as area-intensive as modern agriculture.

- Read Chief Buffalo's statement (Fundamental 22) to the students and ask them to speculate on why this prominent Chippewa chief wanted reservations in Wisconsin.
- Read excerpts from the Commissioner of Indian Affairs' report from Fundamental 27 and ask the students to identify the ways in which reservations changed the traditional work cycle and family roles of the Chippewas.
- Distribute blank maps of Wisconsin.
- While displaying the maps found in Fundamentals 21 (land cessions) and 24 (reservations) on an overhead projector, have the students draw in and label the following on their blank map of Wisconsin:

— the land cession lines of the 1837 and 1842 treaties

— the six Chippewa reservations

— their own hometown or area

- Journal questions:

— Why did the Chippewas want to remain in Wisconsin?

— What were the reduced areas of land on which the Chippewas lived called?

— In what ways did reservations affect the work cycle described in Activity 2?

Denial of Anishinabe Culture

Necessary Background Information

- See Chapters 5 and 6 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
- be able to identify ways in which the boarding schools affected the Chippewas' traditional culture.
- gain an appreciation for how the boarding school experience affected an individual's self esteem.
- understand the impact of federal efforts to acculturate the Chippewas.
- understand the connection between these federal efforts and the state of Wisconsin's regulation of Chippewa hunting, fishing, and gathering.

Concepts

- All Indians were granted United States citizenship as a result of federal legislation in 1924 with the provision that this legislation did not interfere with their tribal status or treaty rights.
- Indian children greatly disliked the boarding schools to which they were sent to learn the English language and American culture because they were removed from their families and homes for long periods of time.
- The property rights retained by the Chippewas in the treaties of 1837 and 1842 were not affected by the Citizenship Act of 1924.

Fundamentals

- 5, A-K, Pictures and Drawings Regarding Chippewa Culture
- 25, Boarding School Experience
- 26, The English Language in Indian Schools
- Student journal

Procedures

- Explain to the students that since the late 1800s state conservation laws infringed upon the Chippewas' reserved rights recognized in the treaties of 1837 and 1842.
- Explain to the students that in addition to violation of their reserved rights, the Chippewas were pressured to give up much of their traditional culture and lifestyle and adopt non-Indian customs. Much of forced acculturation was accomplished through the use of boarding schools.
- Read to the students the comments regarding the use of language in boarding schools found in Fundamental 26.
- Show the students the boarding school schedule found in Fundamental 25.
- Have students compare the boarding school schedule with their earlier "day in the life" creation from Activity 1.

• Have the students compare the pictures from Fundamental 5A-F and the "day in the life" with Fundamental 5G-K and the boarding school experience.
— Focus on the different ways the Chippewa families worked and played. **Note:** Make a point of reminding the students that the Chippewa concept of time is geared more to individual needs of hunger, sleep, etc., than to structured or measured time. Many of the Chippewa who were taken to boarding schools had never seen a clock and were unaccustomed to strict schedules.

The following excerpt is illustrative of the Indian reaction to boarding schools.

> ". . . [I]n the traditional families . . . the child is never left alone. It is always surrounded by relatives, carried around, enveloped in warmth. It is treated with the respect due any human being, even a small one. It is seldom screamed at, and never beaten. That much, at least, is left of the old family group among full-bloods. And then suddenly a bus or car arrives, full of strangers, usually white strangers, who yank the child out of the arms of those who love it, taking it kicking and screaming to the boarding school. The only word I can think of for what is done to these children is kidnapping.
> "Even now, in a good school, there is impersonality insisted of close human contact; a sterile, cold atmosphere, an unfamiliar routine, language problems, and above all . . . [that] clock—white man's time as opposed to Indian time, which is natural time. Like eating when you are hungry and sleeping when you are tired, not when that . . . clock says you must." (Crow Dog, 1990)

• Show the students the pictures in Fundamentals 5G-K and ask them to identify whether or not the picture represents traditional Chippewa culture.
• Remind students that agriculture was a part of traditional Chippewa culture. Ask students *how* changes in agriculture changed the Chippewa family life. For example, in traditional Chippewa culture, women and girls were responsible for agriculture, food preparation and storage, and many of the different harvests. Non-Indian cultures often give men these responsibilities.
• Fundamental 5, H-K illustrates some of the changes to Chippewa life. Distribute or present to students for discussion.

Fundamental 5H represents a wooden frame house built on a Chippewa reservation.

Fundamental 5I represents typical activities in a boarding school in which Indian girls were taught to sew even though sewing machines were rarely found on the reservations.

Fundamental 5J represents Indian farmers in the depression era. This picture quite possibly depicts a farmer working a piece of allotted land.

Fundamental 5K represents Indians working in cranberry bogs as a form of wage-work after the establishment of reservations.

• Journal question:
— Describe how you would feel if you were taken from your family and placed in a boarding school.

References

Crow Dog, Mary. *Lakota Woman*. New York: Harper Perennial, 1990, p. 29.

Reaffirmation of Treaty Rights

Necessary Background Information

- See pp. 15-18 in Great Lakes Indian Fish and Wildlife Commission (GLIFWC). *Chippewa Treaty Rights.* Odanah, WI: GLIFWC, 1991.
- See Chapters 7-8 and Appendixes 7-9 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
- understand how the reserved rights were denied to the Chippewas then reaffirmed by the U.S. federal courts.
- gain an appreciation for the importance of treaty rights to the Chippewas' subsistence and cultural survival.

Concepts

- The reserved rights recognized by the treaties of 1837 and 1842 became the focus of court decisions in the 1970s and 1980s as the Chippewas sought to reaffirm their right to hunt, fish, and gather in the ceded territory.
- In the 1983 Voigt Decision, federal judges reaffirmed the rights of Wisconsin's Chippewa Indians to hunt, fish, and gather in the ceded territory.

Fundamentals

- Completed treaty document from Activity 3
- 15, Journal of the Proceedings of . . . 1837
- 16, Treaty with the Chippewa, July 29, 1837
- 30, Summary Voigt Case Decisions, 1983-1991
- Student journal

Procedures

- Explain to the students that in 1983 U.S. federal courts ruled that the reserved rights recognized in the 1837, 1842, and 1854 treaties (rights that were denied to the Chippewas by the state of Wisconsin for most of the twentieth century) did, in fact, still exist and that the Chippewas may exercise those rights.
- Develop a brief role-playing exercise in which the students read parts of the journal of the proceedings for the 1837 treaty (Fundamental 15). Focus on the dialogue between Treaty Commissioner Henry Dodge and Chippewa Chief Flat Mouth as to the use of the land.
- Ask the students to identify the different views of the land evident in the dialogue.
- Read Article Five of the 1837 Treaty with the Chippewas to the students. Ask them to write in their own words the meaning of the article.
- Read to the students the following excerpt from President George Bush's inaugural address. Ask the students to write in their own words what President Bush means in this statement.

Excerpt from President George Bush's Inaugural Address, January 20, 1989. "Great nations like great men must keep their word. When America says something, America means it, whether a treaty or an agreement or a vow made on marble steps." (USGPO, 1989 p. 349)

- Journal questions:

— How would you feel if the rights described in your playground treaty were violated by the other party?

— What could the smaller party do if their rights were violated?

References

Inaugural Addresses of the Presidents of the United States from George Washington 1789 to George Bush 1989. Washington: U.S. Government Printing Office (USGPO), 1989. p. 349.

Chippewa Treaty Rights and Resource Management

Necessary Background Information

- See pp. 1-9 in Great Lakes Indian Fish and Wildlife Commission (GLIFWC). *Chippewa Treaty Rights*. Odanah, WI: GLIFWC, 1991.
- See Chapters 8-9 and Appendixes 7-9 in Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991.

Objectives

By the end of this lesson the student will
- be able to identify how the exercise of Chippewa treaty rights affects various resources in Wisconsin.
- be able to identify the various managers of resources affected by the exercise of Chippewa treaty rights.
- be able to identify how the six Chippewa bands and the state of Wisconsin manage Wisconsin resources.

Concepts

- The Wisconsin Department of Natural Resources (DNR) actively maintains and protects the valuable natural resources for all state residents and visitors to enjoy and use.
- The Great Lakes Indian Fish and Wildlife Commission acts to protect and preserve the natural resources in the ceded territory in much the same way as the DNR but takes direction from the six bands of Chippewa Indians in the state.
- Effective resource management ensures that the natural resources of the state are protected and preserved for the use and enjoyment of all who appreciate their value.
- Tribal game wardens enforce the many rules and regulations that apply to the Chippewa Indians on-reservation and off-reservation treaty harvest of many natural resources.
- Each of the six bands of Chippewa Indians in the state of Wisconsin has a tribal natural resource program by which they manage the natural resources from which they support much of their lifestyle and culture.

Fundamentals

- 1, Pretest on Chippewa Reserved Treaty Rights
- 31, Tribal and Sport Resource Harvest Graphs
- 32, Tribal Harvest License and Wisconsin Angling License
- 33, Joint Fishery Assessment, 1991
- 34, Resource Management Decision Makers, 1991
- Student journal
- *Lake Superior Indian Fisheries*/Videotape. For order information, see the Great Lakes Indian Fish and Wildlife Commission in Appendix B, selected Bibliography. (optional)
- *News From Indian Country*. For information on ordering this inexpensive newspaper, consult Appendix B, Selected Bibliography. (optional)

• *Masinaigan*. For information on ordering complimentary copies of this GLIFWC newspaper, consult Appendix B, Selected Bibliography. (optional)
• *Voigt Treaty Rights*/Videotape. For order information, see the Great Lakes Indian Fish and Wildlife Commission in Appendix B, Selected Bibliography. (optional)

Procedures

• Make copies or produce an overhead of the Treaty Rights Harvest Graphs in Fundamental 31.
• Have the students compare the natural resource harvest of Indians and non-Indians.
• Ask the students to recall the reason for the Chippewas' harvest of these resources, making sure the students include tradition and subsistence.
• Display the tribal and non-Indian fishing licenses on an overhead projector.
• Ask the students to identify how these licenses are similar and ways in which they are different. **Note:** List as differences the term for which the license is issued, the restrictions listed on the license, and the way in which the fish may be taken. List as a similarity that both licenses are intended to manage and protect the resource.
• Review the seasonal activities chart and list the renewable and nonrenewable resources contained in it. **Note:** All the resources are renewable.
• Have the students identify possible ways in which renewable resources can be managed. **Note:** They include fish stocking, fish population surveys, limited seasons, and tree planting.
• Explain to the students that in addition to the Wisconsin Department of Natural Resources (DNR), the six Chippewa bands in Wisconsin and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) also act to regulate, protect, and preserve these valuable and renewable resources so that there will be enough for Indians and non-Indians as well.
• Review and discuss with the students the resource management issues raised in the two videotapes produced by the Great Lakes Indian Fish and Wildlife Commission: *Lake Superior Indian Fisheries* and *Voigt Treaty Rights*. See Appendix B. (optional)
Note: Be sure to identify the ways in which the individual Chippewa bands assist in managing Wisconsin's natural resources.
• Have the students write a letter to GLIFWC and the DNR asking for recent statistics regarding the management of Wisconsin's natural resources. If your school is located near a tribal fish hatchery, arrange a field trip. (optional)
• Journal questions:
— Write the addresses of GLIFWC and the Wisconsin DNR in your journal.

Great Lakes Indian Fish and Wildlife Commission
P.O. Box 9
Odanah, Wisconsin 54861

Wisconsin Department of Natural Resources
Box 7921
Madison, Wisconsin 53707

— What are the responsibilities of the six Chippewa bands, the Great Lakes Indian Fish and Wildlife Commission, and the Wisconsin Department of Natural Resources to the natural resources in Wisconsin?
— How do the number of fish and deer taken by Indians compare to those taken by non-Indians?

• Using *Masinaigan* and *News from Indian Country* have the students locate and summarize articles relating to issues of resource management. (optional)

Resources Elementary School

Activity 1

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 2.
- Great Lakes Indian Fish and Wildlife Commission (GLIFWC). *Manomin, Lake Superior Gourmet Wild Rice*. Brochure. Odanah, WI: GLIFWC.
- GLIFWC, *Wild Rice*. Poster. Odanah, WI: GLIFWC.
- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Mason, Carol I. *Introduction to Wisconsin Indians*. Salem, WI: Sheffield Publishing Co., 1988, chs. 4, 6.
- Ritzenthaler, Robert E. "Southwestern Chippewa." In *Northeast*. Ed. Bruce G. Trigger. Washington, DC: Smithsonian Institution, 1988, pp. 743-759.

Activity 2

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 2.
- GLIFWC, *Manomin, Lake Superior Gourmet Wild Rice*. Brochure. Odanah, WI: GLIFWC.
- GLIFWC, *Wild Rice*. Poster. Odanah, WI: GLIFWC.
- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
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- Ritzenthaler, Robert E. "Southwestern Chippewa." In *Northeast*. Ed. Bruce G. Trigger. Washington DC: Smithsonian Institution, 1988, pp. 743-759.
- White, Richard and William Cronon. "Ecological Change and Indian-White Relations." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington DC: Smithsonian Institution, 1988, pp. 714-729.

Activity 3

- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Kvasnicka, Robert. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 195-201.
- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.

Activity 4

- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington DC: Smithsonian Institution, 1988, pp. 29-39.
- Kvasnicka, Robert. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 195-201.
- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.

Activity 5

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 5.
- Hagan, William T. "United States Indian Policies, 1860-1900." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 51-65.
- Kelly, Lawrence C. "United States Indian Policies, 1900-1980." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 66-80.
- Lohse, E. S. "Trade Goods." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 396-403.
- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.

Activity 6

- Baca, Lawrence. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 230-237.
- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma press, 1979, ch. 6.
- Gibson, Arrell M. "Indian Land Transfers." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 211-229.

Activity 7

- Baca, Lawrence. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 230-237.
- Gibson, Arrell M. "Indian Land Transfers." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 211-229.
- Hagan, William T. "United States Indian Policies, 1860-1900." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, pp. 51-65.

• Kelly, Lawrence C. "United States Indian Policies, 1900-1980." In *History of Indian-White Relations*, Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 66-80.

• Szasz, Margaret Connell and Carmelita Ryan. "American Indian Education." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 284-300.

Activity 8

• Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, chs. 7-10.

• Kelly, Lawrence C. "United States Indian Policies, 1900-1980." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 66-80.

• United States Department of the Interior. *Casting Light Upon the Waters: A Joint Fishery Assessment of the Wisconsin Ceded Territory*. Minneapolis, MN: Bureau of Indian Affairs, 1991.

• White, Richard and William Cronon. "Ecological Change and Indian-White Relations." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 714-729.

Activity 9

• GLIFWC. *Chippewa Treaty Harvest of Natural Resources: Wisconsin, 1983-1990*. Odanah, WI: GLIFWC, 1990.

• GLIFWC. *Lake Superior Indian Fisheries*. Videotape. Odanah, WI: GLIFWC.

• GLIFWC. *Stop the Invaders of the Great Lakes*. Poster. Odanah, WI: GLIFWC.

• GLIFWC. *Minneapolis Area Tribal Fish Hatcheries*. Chart. Odanah, WI: GLIFWC.

• GLIFWC. *Voigt Treaty Rights*. Videotape. Odanah, WI: GLIFWC.

• United States Department of the Interior. *Casting Light Upon the Waters: A Joint Fishery Assessment of the Wisconsin Ceded Territory*. Minneapolis, MN: Bureau of Indian Affairs, 1991.

• White, Richard and William Cronon. "Ecological Change and Indian-White Relations." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 714-729.

Lesson Format—Middle School

Introduction
The Anishinabe People
Common Attributes of Nations and Indian Tribes
The Constitutional Framework of Treaty Making
Early Federal-Indian Policy, 1789-1830s
Chippewa Land Cession Treaties of 1837 and 1842
Reservations, Not Removal
Denial of Treaty Rights
Reaffirmation of Treaty Rights
Chippewa Treaty Rights and Resource Management
Resources

Introduction

The middle-school level of this unit is designed to be taught in grades seven, eight, or nine and builds upon information learned by the students in the elementary level. This level addresses many of the same topics dealt with at the elementary level, but in a more complex nature. Activities at this level also introduce new concepts. Teachers may find it helpful to review and even use material from the elementary level. As always, less sophisticated material would be used only to assist the teaching of ideas on the middle-school level. Documents in the fundamentals are often complex and lengthy. Although access to the entire fundamental is crucial, teachers must judge what they can realistically expect to discuss with their classes. Teachers are encouraged to expand the amount of time used for each activity if possible. An alternative to the journal portion of this unit is to have the students identify the important historical, legal, or environmental aspects of each day's lesson and write one or two paragraphs summarizing each lesson. At the end of the section have the students combine all nine entries into a "book" that they bind themselves. These books could then be placed on display in the library or another appropriate location in the school.

Activity 1 stresses how the seasonal activities of the Anishinabe (Chippewa) people illustrate their reliance on and closeness to the land. The family-band-clan structure of Anishinabe society is of the utmost importance in the Indians' traditional work cycle.

The second activity describes the concept of sovereignty and relates to students the similarities between nations and Indian tribes. Activity 3 builds on students' understanding of these two concepts and establishes the constitutional framework of treaty making and stresses the importance of treaties for both the federal government and the Indians. The Constitution of the United States provides the legal basis for treaty making, and the activity centers on such concepts as "good faith" and "consent".

The nature of U.S. federal-Indian relations between 1789 and the 1830s is the focus of Activity 4. The establishment and demise of the government-run system of trading posts and the trade relationship established by the system are emphasized in this lesson. Students will take part in a role-playing exercise about the fur trade relationship, in which the Indians were at an economic disadvantage. Students will be able to identify how the framers of federal-Indian policy used the factory system to acquire Indian lands during this time.

Specifically on the Chippewa land cession treaties of 1837 and 1842, Activity 5 gives the students an understanding of the treaty negotiation process, through which the Chippewas ceded much of their land from present-day Wisconsin to the federal government. The activity stresses again the concept of the varying ideas of land ownership. It also helps students understand the comparative bargaining position of the U.S. treaty commissioners and the Indians in the negotiation process.

From maps provided in the fundamentals and those supplied by the teacher, the students will identify in Activity 6 how the establishment of reservations changed the land base of Chippewas in Wisconsin. This activity helps students understand the impact of Chippewa reservations on Indian culture, lifestyle, and subsistence.

Federal-Indian policy after the establishment of Chippewa reservations in Wisconsin is the focus of Activity 7. During the late nineteenth century and continuing until the 1980s, the federal and state governments infringed upon the Chippewas' reserved rights recognized by the treaties of 1837, 1842, and 1854. An explanation of how the boarding school experience affected traditional Indian culture, language, and lifestyle

illustrates how the reserved rights were denied. In this activity, students will read from a Commissioner of Indian Affairs report regarding the boarding school experience and identify the ways the boarding school experience affected Indian identity and self-esteem. Students will also understand how twentieth-century federal legislation, such as Public Law 280, and increasing state regulation of Chippewa on-reservation subsistence activities created conflicts over treaty rights issues.

Activity 8 focuses on the reaffirmation of the Chippewas' reserved treaty rights. The students will learn how the judicial canons of interpretation affected recent court rulings in reaffirming the rights recognized by the Chippewa treaties.

The final activity closes the unit by stressing the role played by the state, the six bands of Chippewa Indians living in Wisconsin, and the Great Lakes Indian Fish and Wildlife Commission, in managing Wisconsin's natural resources for the enjoyment and use of Indian and non-Indian users. Using statistical data provided by the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission, the students will identify the comparative impact of off-reservation treaty harvests and non-Indian harvests of Wisconsin's natural resources.

Middle School Activity 1

The Anishinabe People

Necessary Background Information

• Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, pp. xi-xiii, ch. 1.

Objectives

By the end of this lesson the student will

• understand some of the important historical, cultural, and social aspects of the relationship between the Anishinabe people and the land on which they live.

• be able to identify the ways in which the Anishinabe culture is based on land.

• gain an appreciation for the family, clan, and band structure of the Anishinabe culture.

Concepts

• The Anishinabe (Chippewa) people made their living from the land by harvesting a wide variety of plants and hunting and trapping various animals for their survival.

• The Anishinabe people are organized into separate bands that serve as the basis of their economic support as well as political organization.

• The Anishinabe were also organized into groups called clans comprised of families claiming a common ancestor who was known for certain characteristics.

• All members of the Anishinabe family took part in the seasonal hunting, fishing, and gathering activities from which they maintained their lifestyle and culture.

• The various seasonal activities that the Anishinabe performed to maintain themselves on their land relied on the labor of all members of the family and band and together comprised a complete work cycle repeated annually for their subsistence.

• The Indian concept of land ownership stressed the land use by all members of the tribe rather than the concept of private property.

Fundamentals

• 1, Pretest on Chippewa Reserved Treaty Rights
• 2, Seasonal Activities of the Anishinabe People
• 3, Traditional Family and Clan Structure of the Anishinabe
• 24, Reservations in Wisconsin
• Blank map of Wisconsin (teacher generated)
• Student journal

Procedures

• Give the students the pretest (Fundamental 1). The question's topics in this test will be addressed in the following nine lessons.

• Have the students locate the historical and modern residences of the Anishinabe on a map of Wisconsin. Make copies of the blank map of Wisconsin and distribute it to the students. The students first may work in pencil on their reproduced map. Later, show them the actual location of the ceded territory and the current reservations (Fundamental 24) and discuss whether their perceptions were correct.

• Have students list various resources with which the Indians might sustain their lifestyle. Make sure they include white tail deer, fish, maple sugar, and wild rice.
• Ask the students to name the different seasons when these activities might take place to maximize productivity.
• Have students draw a chart showing the seasons when various subsistence activities of the Anishinabe might take place. Some activities may fit into more than one season.
• Distribute Fundamental 3. As a class or in small groups, discuss how the family's work roles reflected the seasonal work cycle.
• Have the students begin a journal in which they answer the identified questions following each lesson.
• Journal questions:
— How do the Anishinabe rely on the land for their subsistence?
— Do you have a work cycle?
— How is the work cycle of the traditional Anishinabe like your own?
— How is the work cycle of the traditional Anishinabe unlike your own?

Middle School Activity 2

Common Attributes of Nations and Indian Tribes

Necessary Background Information

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 1.

Objectives

By the end of this lesson the student will

- be able to identify some of the important attributes that define a sovereign nation.
- be able to identify the attributes of a sovereign nation that relate both to the United States and the Anishinabe bands in Wisconsin.

Concepts

- The ability to govern, make and enforce laws, and direct internal political and social affairs are important aspects of sovereignty enjoyed by Indian tribes within their respective borders.
- Property rights enjoyed by the Chippewas include the right to hunt, fish, and gather in ceded territory.
- The United States and Indian tribes are similar in that they have separate governing bodies and separate legal systems, and thus both are politically sovereign nations.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."

Fundamentals

- 3, Traditional Family and Clan Structure of the Anishinabe
- Cards with the names of different nations written on them.
- Student journal

Procedures

- Divide the class into small groups and distribute to each group one card with the name of a country on it.
- Ask the groups to list the characteristics that identify the country listed on their card as a nation. You may suggest possible attributes such as common language, political structure, physical boundaries, and so on.
- When all groups have completed their lists, reproduce on the chalkboard or overhead a master list of the most common or basic attributes listed by the students.
- Have the students identify from the master list those attributes that also apply to the family-clan-band structure of the Chippewas. Review Fundamental 3 with students, focusing on clan structure as an outgrowth of family structure. You may want to identify for the students the nature of the family-clan-band structure, using the glossary as a resource.
- Have students locate in newspaper and magazine articles that reflect major concerns and issues that affect nations and focus upon the issue of property rights.

- Ask students to identify attributes that make a nation a sovereign entity. You may want to define sovereignty for the students, using the glossary as a resource.
- Journal questions:
— How could the concerns identified in the media be similar to those which affect Indian tribes?
— How is tribal sovereignty similar to the sovereignty of the United States or other nations?
— How did the United States weaken tribal sovereignty?

The Constitutional Framework of Treaty Making

Necessary Background Information

• Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 1-3, appendixes 2, 4.

Objectives

By the end of this lesson the student will
• be able to identify some of the important aspects that define the historical and legal basis of treaty-making between the United States and Indian tribes.
• understand the impact of treaty-making on the Chippewas in Wisconsin.

Concepts

• For negotiations to take place fairly, both parties must give their consent to the agreement at hand and should fully understand all aspects of the agreement.
• Negotiations between the United States and Indian tribes were carried out before treaties were signed, but the Indians who signed treaties were frequently not representative of the larger group for whom they were negotiating, and, as a result, the Indians often felt slighted by the resulting treaty.
• Treaty negotiations between the United States and Indian tribes were, according to the Northwest Ordinance, supposed to take place in "good faith" with both parties acting truthfully and honestly.
• According to the Constitution, treaties signed by the United States are to be acknowledged as "the supreme Law of the Land" and courts and judges at every level in every state must treat them as such.

Fundamentals

• 16, Treaty with the Chippewa, July 29, 1837
• 17, Treaty with the Chippewa, 1842
• Complete copy of the United States Constitution (teacher supplied)
• Student journal

Procedures

• Reproduce or make an overhead of the applicable sections of the Constitution regarding the formation of treaties and their relationship to law.

References to Indians in the United States Constitution. Article I, Section 2, Clause 3—Indians not taxed. "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years and excluding Indians not taxed, three fifths of all other Persons." [Act I, 2:3 was changed by Section 2 of the 14th Amendment.]

Article I, Section 8, Clause 3—Commerce Clause. "The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Article II, Section 2, Clause 2—Treaty Clause. "[The President] . . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur."

Article VI, Clause 2—Supremacy Clause. "This Constitution, . . . and all Treaties made, or which shall be made, . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws or any State to the Contrary notwithstanding." (Dollar, et al, 1984 pp. 627-632.)

- Reproduce or make an overhead of the 1837 treaty (Fundamental 16).
- As part of a class discussion or as group work ask the students to identify and list the sections of the Constitution that apply to treaties and Indians.
- Reproduce and distribute to the students the treaty found in Fundamental 17.
- Ask the students to identify the parts of these treaties that relate to the reserved rights and privileges.
- Other than treaties with Indians, ask the students to identify other treaties into which the United States has entered. Good examples of such treaties include the Webster-Ashburton Treaty of 1842 (concluded the same year as the Chippewa treaty) which helped establish the northern U.S. border with Canada and the Treaty of Guadalupe-Hidalgo of 1848 which established the U.S. border with Mexico.
- Ask the students to identify the length of time or conditions that would make the 1837 and 1842 treaties invalid.
- Ask the students to speculate on why there is no date of expiration listed within these treaties.
- Journal questions:

— How many years does it take to make a treaty invalid?
— How does the United States Constitution protect the rights identified by treaties?
— What benefits did the treaties of 1837 and 1842 provide for the United States? For the Chippewas?

References

Dollar, Charles, Joan Gunderson, Ronald N. Satz, H. Viscount Nelson, Jr., and Gary W. Reichard. *America Changing Times: A Brief History*, 2nd ed. New York: John Wiley & Sons, Inc., 1984.

Middle School Activity 4

Early Federal-Indian Policy, 1789-1830s

Necessary Background Information

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 1.

Objectives

By the end of this lesson the student will

- be able to identify some of the ways in which the United States dealt with Chippewas.
- be able to understand the ways in which the United States went about the business of acquiring Indian land.

Concepts

- According to the Northwest Ordinance, the United States hoped to promote "peace and friendship" in government relations with the Indians.
- The United States developed a system of government-run trading houses in the late eighteenth century called "the factory system," designed to run the Indians into debt, and use the debt to acquire lands cheaply in trade.
- The payments made to Indians for land they sold to the federal government were called annuities. The annuity system provided the framework for the distribution of payments to the Indians on an annual basis for a set period of years.
- The Bureau of Indian Affairs was established in 1824 within the War Department for the purpose of managing and facilitating the administration of Indian affairs.

Fundamentals

- 34, Resource Management Decision Makers, 1991
- Cards representing various trade goods and beaver skins (teacher generated)
- Student journal

Procedures

- Divide the class into two sections, one will play the role of "Indians" desiring trade goods and the other side will be the "traders" desiring animal pelts.
- Distribute the chart to the students and explain that the "Indians" may trade only with the "traders" present to acquire the desired trade goods listed. For the actual trade, use cards representing individual trade goods and beaver skins. The chart shows the cost of several items that were important, often crucial to the Indians involved in the fur trade.

Table 1

Trade Relations Chart

Cost of Various Items Important to Indians Involved in the Fur Trade. (Danziger, 1979)

Trade Goods Sold on Credit	Indians Must Pay in Beaver Skins
Gun	20
Knife	1
One Pound Axe	2
Pound of Powder	2
Pound of Shot or Ball	1
Stroud Blanket	10
White Blanket	8

- Provide the following instructions in writing to each group separately. Do not let each group know the instructions given to the other one.
- Instruct the "traders" that they may change the price of any of the goods but that they must acquire 500 beaver skins or promises of beaver skins during the trading session. If the "Indians" do not have enough skins, the "traders" can extend credit to the "Indians."
- Instruct the "Indians" that they must acquire five each of the items listed in the chart and that the price charged for each item is up to the "traders." Each "Indian" only has ten skins and the trapping season is over.

Note: You may manipulate the numbers of goods or skins to fit the class size or Indian trade deficit. At the end of the trading session, however, the "Indians" should be in debt to the "traders."

- Following the "trading session" ask the students to explain how they felt about the other side in the exchange.
- Explain to the students the nature of the factory system and read to them or distribute Jefferson's comments, below.

President Thomas Jefferson to William Henry Harrison, February 27, 1803. "To promote this disposition to exchange lands, which they [Indians] have to spare and we want, for necessaries, which we have to spare and they want, we shall push our trading [ho]uses, and be glad to see the good and influential individuals among them run in[to] debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of lands." (Lipscomb, 1903, pp. 368-373)

- Journal questions:

— Which side in the trade relationship was at a disadvantage? Which side had an advantage? Why?

— How could the traders have manipulated the trade relationship if they wanted to acquire Indian land but were unwilling to pay the going price for it?

— Identify the ways in which the students' trade relationship resembled that described by Jefferson.

— Identify the ways in which Jefferson's ideas resemble the factory system.

References

Danziger, Edmund. *The Chippewas of Lake Superior.* Norman: University of Oklahoma Press, 1979, ch. 4.

Lipscomb, Andrew A., ed. Vol. 10 of *The Writings of Thomas Jefferson.* 20 Vols. Washington, DC: Thomas Jefferson Memorial Association, 1903.

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Chippewa Land Cession Treaties of 1837 and 1842

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights.* Odanah, WI: GFIFWC, 1991, p. 14.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 1-3, appendixes 2-4.

Objectives

By the end of this lesson the student will
- be able to identify the political structure of the Chippewas and how that political structure was represented in the treaties of 1837 and 1842.
- be able to identify the different concepts of land ownership held by the Anishinabe people and the U.S. government.

Concepts

- While American settlers sought private ownership of land, the Chippewas practiced communal land ownership.
- When negotiating early treaties with the Chippewa Indians, the United States incorrectly referred to the Chippewas as a unified Chippewa Nation and did not recognize their politically independent band organization.
- When the Chippewas sold their land in Wisconsin to the United States, they were told they could remain on it, hunting, fishing, and gathering during the "pleasure of the president" or for as long as they did not harm the advancing non-Indian population.
- When the Chippewas sold their land to the federal government, they retained privileges of occupancy or customary rights associated with, land ownership that allowed them to hunt, fish, and gather on the ceded lands.

Fundamentals

- 5, Pictures and Drawings Regarding Chippewa Culture
- 15, Journal of the Proceedings of . . . 1837
- 16, Treaty with the Chippewa, 1837
- 17, Treaty with the Chippewa, 1842
- 21, Land Cessions
- Blank map of Wisconsin (teacher supplied)
- Student journal

Procedures

- Distribute copies of the blank map of Wisconsin to the students.
- Display the map from Fundamental 21 on an overhead projector and ask the students to locate the following areas or points on their blank map:

— the cession line of the 1837 treaty
— the cession line of the 1842 treaty
— the student's hometown or area

- Read or distribute to students excerpts from the 1837 treaty journal regarding Governor Henry Dodge's requests of the Indians, and Chippewa Chief Flat Mouth's response (Fundamental 15).
- For a graphic illustration of the treaty negotiation process, show the students the drawing relating to the negotiations of the Treaty of Prairie du Chien, 1825 as found in Fundamentals 5G-K. They should identify the Indians massed around the treaty commissioner and interpreter on the left and the large military contingent on the right.
- Divide the class into two parts. Have one part of the class analyze Governor Dodge's wishes and have the other part analyze Flat Mouth's response.
- Ask the students to make two separate lists, one containing the desires of the United States and the other containing the desires of the Chippewas regarding the land the United States wanted to buy.
- From this list, ask students to write in their own words what each side in the negotiations wanted.
- Distribute to the students copies of the 1837 and 1842 treaties (Fundamentals 16 and 17) and have them list the provisions in the treaties that relate to the desires of each side in the negotiations.
- Journal questions:

— How accurately did the treaty reflect the negotiations?
— What do you think explains any differences between the printed treaty and the desires expressed in the negotiations?
— What role do you think language played in the differences you noted above?

Reservations, Not Removal

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights.* Odanah, WI: GFIFWC, 1991, pp. 15-18.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 4-5, appendixes 5-6.

Objectives

By the end of this lesson the student will

- be able to identify how the reservation system in Wisconsin affected the Chippewas' traditional lifestyle.
- be able to identify the pressures by various outside forces on the Chippewas living on reservations.
- understand that reservations could not support the Chippewas subsistence needs.
- be able to identify reasons why Chippewas look outside the reservations for their subsistence needs.

Concepts

- An Indian reservation, such as any one of the current Chippewa reservations, has carefully surveyed boundaries and is a small piece of land compared to that on which the Indians lived prior to ceding their land to the federal government.
- The seasonal cycle by which the Chippewas supported themselves became very difficult to maintain after they were confined to reservations due to their reduced land base.
- The United States planned for the removal of many Indian tribes from their aboriginal lands east of the Mississippi to organized lands west of the Mississippi, but the Chippewas remained in Wisconsin and secured reservations within the state.

Fundamentals

- 2, Seasonal Activities of the Anishinabe People
- 3, Traditional Family and Clan Structure of the Anishinabe
- 20, Treaty with the Chippewa, 1854
- 21, Land Cessions
- 24, Reservations in Wisconsin
- Blank map of Wisconsin (teacher supplied)
- Student journal

Procedures

- Distribute copies of the treaty of 1854 to the students and ask them to locate the provision relating to the establishment of reservations in Wisconsin.
- Have the students draw in the cession lines of the 1837 and 1842 treaties and also locate the modern reservations on their map.

- Ask the students to identify how the seasonal activities described in Activity 1 and depicted in the seasonal activity chart would be affected by the formation of reservations.
- Ask the students how the traditional family structure and work roles would be affected by reservations.
- Ask the students to identify how Chippewa culture would be affected by the formation of reservations.
- Ask the students to identify how the exercise of off-reservation treaty rights would affect the seasonal subsistence activity of the Chippewas.
- Journal questions:

— What effect did reservations have upon the subsistence activity of the Chippewas?
— Why did the Chippewas look outside the reservation boundaries for their subsistence needs?

Middle School Activity 7

Denial of Treaty Rights

Necessary Background Information

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 6.

Objectives

By the end of this lesson the student will
- be able to identify the impact of reservations and boarding schools on Chippewa culture.
- understand the impact of early twentieth-century court decisions on the reserved rights of Wisconsin's Chippewas.
- understand the impact of federal efforts to acculturate the Chippewas.
- understand the connection between these federal efforts and the state of Wisconsin's regulation of Chippewa hunting, fishing, and gathering.

Concepts

- Indian children greatly disliked the boarding schools to which they were sent to learn non-Indian language and culture in part because they were removed from their families and homes for long periods of time.
- All Indians were granted United States citizenship as a result of federal legislation in 1924 with the provision that this legislation did not interfere with their tribal status or treaty rights.
- The property rights retained by the Chippewas in the treaties of 1837 and 1842 were not affected by the Citizenship Act of 1924.
- The federal government sought to reduce Indian communal land holdings by passing the Dawes Act in 1887, which aimed at partitioning reservations and assigning each resident adult Indian males a parcel of land known as an allotment that would become privately owned by the individual.

Fundamentals

- 3, Traditional Family and Clan Structure of the Anishinabe
- 9, Comparison of Indian and Non-Indian Population Change
- 12, An Historical Overview of Chippewa Treaty Rights
- 25, Boarding School Experience
- 26, The English Language in Indian Schools
- 28, Public Law 280, 1953
- 29, Bad River Band's "Declaration of Cold War"
- Student journal

Procedures

- Display the graph from Fundamental 9 on an overhead projector or re-create it on the chalkboard.
- Ask the students to explain its meaning and significance.

- Have students identify what effect the large drop in Indian population in the late 1800s might have on Indian societies, Indian identity, and on fulfillment of treaties.
- Explain to the students that since the early twentieth century the Chippewas have been unable to exercise their off-reservation reserved treaty rights.
- Have the students read the excerpt from the boarding school experience (Fundamentals 25 and 26) and ask them to relate what effect this might have on tribal and individual Indian identities.
- Review Fundamental 3 with the students. Have students draw a list comparing traditional Chippewa ways of educating and training children with the boarding school experience in Fundamentals 25 and 26.
- Read to the students the "Declaration of Cold War" (Fundamental 29) and ask them to discuss the nature of the Chippewas' response to the state restriction of their hunting, fishing, and gathering rights.
- Using Fundamental 12, trace with the students the history of the federal-Indian relationship up to Public Law 280 as found in Fundamental 28.
- Given the history defined in Fundamental 12, and Public Law 280 in Fundamental 28 ask the students to answer the journal questions.
- Journal questions:

— Why did the Bad River Band "declare cold war?"
— What did the "Declaration of Cold War" really mean?

Middle School Activity 8

Reaffirmation of Treaty Rights

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights.* Odanah, WI: GFIFWC, 1991, pp. 8-11.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 7-8, appendixes 7-9.

Objectives

By the end of this lesson the student will

- be able to identify the purpose for judicial canons of interpretation of Indian treaties.
- be able to identify the effects of such interpretations concerning the reaffirmation of the exercise of Chippewa treaty rights.
- be able to identify the importance of the reserved rights identified in the treaties of 1837 and 1842 to the Chippewas of Wisconsin.

Concepts

- Chippewa Indians reaffirmed their reserved rights recognized by the treaties of 1837 and 1842 through the federal courts in 1983 because, regardless of the passage of time, those rights still belong to them.
- In upholding the reserved rights of the Chippewas, the federal courts applied the judicial canons of interpretation to the treaties and determined what each document meant to those who signed it and how that meaning is interpreted today.

Fundamentals

- 11, Judicial canons of interpretation of Indian treaties
- 15, Journal of the Proceedings of . . . 1837
- 16, Treaty with the Chippewa, July 29, 1837
- 30, Summary of Voigt Case Decisions, 1983-1991
- Student journal

Procedures

- Distribute to students the judicial canons of interpretation as found in Fundamental 11.
- Ask the students to explain what is meant by each of the four judicial canons of interpretation.
- Distribute a copy of the 1837 treaty and the 1837 treaty proceedings (Fundamentals 15 and 16) to the students and ask them to apply the judicial canons of interpretation to the treaty.
- Read to students or give them copies of the Voigt Decision summary from Fundamental 30.
- Ask the students to make a list of possible ways in which the courts used the judicial canons of interpretation to arrive at the 1983 Voigt Decision.

- Ask the students to identify the ways in which the judicial canons of interpretation affect the reserved rights listed in the 1837 and 1842 treaties.
- Journal questions:
  - Why did the Chippewas in Wisconsin seek to affirm the rights they reserved in the treaties of 1837 and 1842?
  - How did your understanding of the provisions of the 1837 treaty change after reading the treaty journal?

Middle School Activity 9

Chippewa Treaty Rights and Resource Management

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights.* Odanah, WI: GFIFWC, 1991, pp. 1-9.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 8-9, appendixes 7-9.

Objectives

By the end of this lesson the student will
- be able to identify the impact of the exercise of Chippewa treaty rights on Wisconsin's natural resources.
- be able to identify the responsibilities of the state of Wisconsin and the Chippewa Indians in managing Wisconsin's natural resources.

Concepts

- A limit, or an allowable catch, is established for every lake to ensure that too many fish are not taken and that the ability of the remaining fish to repopulate the lake is not damaged.
- The Wisconsin Department of Natural Resources (DNR) actively maintains and protects the valuable natural resources for all state residents and visitors to enjoy and use.
- The Great Lakes Indian Fish and Wildlife Commission acts to protect and preserve the natural resources in the ceded territory in much the same way as the DNR but takes direction from the six bands of Chippewa Indians in the state.
- Effective resource management insures that the natural resources of the state are protected and preserved for the use and enjoyment of all.
- Tribal game wardens enforce the many rules and regulations that apply to the Chippewa Indians on-reservation and off-reservation treaty harvest of many natural resources.

Fundamentals

- 31, Tribal and Sport Resource Harvest Graphs
- 34, Resource Management Decision Makers, 1991
- *News From Indian Country* (optional). For information on ordering this inexpensive newspaper, consult Appendix B, Selected Bibliography.
- *Masinaigan* (optional). For information on ordering complimentary copies of this GLIFWC newspaper, consult the Great Lakes Indian Fish and Wildlife Commission in Appendix B.
- *Lake Superior Indian Fisheries*/Videotape. (optional) For order information, see the Great Lakes Indian Fish and Wildlife Commission in Appendix B.
- *Voigt Treaty Rights*/Videotape. (optional) For order information, see the Great Lakes Indian Fish and Wildlife Commission in Appendix B.
- Student journal

Procedures

- Take the three charts contained in Fundamental 31, and create an overhead copy, or a chalkboard copy, or distribute to students directly.
- Ask students to locate newspapers or magazine articles on the management of natural resources and bring those materials to class for discussion.
- Have the students identify the resources affected by the Chippewas' subsistence harvest as either renewable or non-renewable resources. They should identify all the resources as renewable resources.
- Have the students identify some possible ways in which renewable resources can be managed.
- Ask the students to identify how the state of Wisconsin manages these resources for sport harvest. They should identify the Wisconsin Department of Natural Resources (DNR).
- Explain to the students that in addition to the Wisconsin Department of Natural Resources (DNR), the six bands of Chippewas living in Wisconsin and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) also act to regulate, protect, and preserve these valuable and renewable resources so that there will be enough for subsistence harvesters and non-Indian hunters and anglers as well. For information see Fundamental 34.
- Review and discuss with the students the resource management issues raised in the two videotapes produced by the Great Lakes Indian Fish and Wildlife Commission: *Lake Superior Indian Fisheries* and *Voigt Treaty Rights*. (optional)

Note: Be sure to identify the ways in which the individual Chippewa bands sustain Wisconsin's natural resources.

- Journal questions:
  - — Why is resource management important to both the state and the Indians?
  - — How are the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission similar? How are they different?
  - — What is the overall effect of the Chippewa treaty harvest on the natural resources in the ceded territory?
- Using *Masinaigan* and *News from Indian Country* have the students locate and summarize articles relating to issues of resource management. (optional)
- Hand out the pretests the students completed in the first activity. Discuss with them the reasons why some of their answers may have changed since then.

Resources Middle School

Activity 1

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 2.
- Great Lakes Indian Fish and Wildlife Commission (GLIFWC). *Manomin, Lake Superior Gourmet Wild Rice*. Brochure. Odanah, WI: GLIFWC.
- GLIFWC, *Wild Rice*. Poster. Odanah, WI: GLIFWC.
- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Mason, Carol I. *Introduction to Wisconsin Indians*. Salem, WI: Sheffield Publishing Co., 1988, chs. 4, 6.
- Ritzenthaler, Robert E. "Southwestern Chippewa." In *Northeast*. Ed. Bruce G. Trigger. Washington, DC: Smithsonian Institution, 1988, pp. 743-759.

Activity 2

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Lesson Format—High School

Introduction
The Anishinabe People
Treaties and Treaty Making
The Constitutional Framework of Treaty Making
Early Federal-Indian Policy, 1789-1830s
Chippewa Land Cession Treaties of 1837 and 1842
Reservations, Not Removal
Denial of Treaty Rights
Reaffirmation of Treaty Rights
Chippewa Treaty Rights and Resource Management
Resources

Introduction

The high school level of this unit is designed to be taught in grades ten, eleven, or twelve and builds upon information learned by the students in the elementary and middle school levels. It is the most complex of the three unit levels and builds on concepts established in the other levels. The book offers its most developed concepts to high school students. Teachers should expect high school students to read and analyze historical documents and complex ideas, to some extent. Yet, as on all levels, teachers are encouraged to modify and expand the time allotted for each activity to facilitate students' most complete understanding of the material.

Activity 1 provides an understanding of the traditional Anishinabe's (Chippewas') reliance on the land and natural resources for subsistence and livelihood. The students will understand how the family-clan-band structure of Anishinabe society effectively established a seasonal cycle of harvest activity that sustained the Indians and did not damage the resources.

The federal policy of treaty making is the focus of Activity 2, in which the students will take part in a role-playing exercise intended to simulate the federal-Indian treaty negotiation process. In the exercise, the students will experience the difficulties created by language barriers and relate those difficulties to the negotiation of the treaty of 1837.

Once an understanding of the negotiation process is established, the students will learn in Activity 3 that the legality of treaty making and the implications of Indian treaties are rooted in the Constitution of the United States. Using the Northwest Ordinance, the Constitution, and an overview of important Supreme Court cases regarding Indians and Indian treaties, students will identify the process by which treaties are made and enforced.

Activity 4 introduces students to the formation of federal-Indian policy between 1789 and the 1830s. Students will identify the reasons for the adoption of treaty making as federal policy as well as the motives behind the factory system and the removal policy. The students will understand the basic ideas upon which the U.S. government based its early Indian policy and recognize key individuals active in establishing policy.

The Chippewa land cession treaties of 1837 and 1842 are the focus of Activity 5. In this lesson the students will understand how the treaty negotiation process illustrates many of the difficulties inherent in the early nineteenth-century federal-Indian relationship.

Activity 6 will help students understand the political climate of the establishment of Chippewa reservations. Students will also understand how those reservations affected the traditional subsistence culture and lifestyle of Wisconsin's Chippewas. The seasonal cycle and the land base reduction of reservations are key components in understanding the impact of reservations on the Chippewas' traditional lifestyle and culture.

The legal climate of the late nineteenth and twentieth centuries is the focus of Activity 7. Students will identify the impact of federal legislation on treaty making and Indian citizenship as that legislation relates to reserved treaty rights. The students will also identify in this activity how various laws affected the state-Indian relationship in the regulation of on-reservation Indian resource harvest.

Activity 8 studies the recent federal court rulings reaffirming the reserved rights of Wisconsin's Chippewa Indians and gives students an understanding of how federal

courts applied the judicial canons of interpretation of Indian treaties to the Chippewa treaties of 1837 and 1842. The students will themselves apply the canons to the treaties and the record of the treaty negotiations and identify how the federal courts arrived at its decision which upheld the reserved rights of the Chippewas. This lesson will also help students understand the importance of respecting federal court rulings.

The final activity of the unit has the students compare the ways Indians and non-Indians are regulated in fishing and extend that comparison to an analysis of the impact of the Chippewa off-reservation treaty harvest with the non-Indian impact on Wisconsin's natural resources. The activity uses data collected by the Wisconsin Department of Natural Resources (DNR) and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). Emphasis is placed on the ways in which the DNR, the six Chippewa bands living in Wisconsin, and GLIFWC work to manage the natural resources in Wisconsin for the use and enjoyment of Indians and non-Indians alike.

A tenth activity, or perhaps an extracurricular project, could be created by an individual student or group of students with the purpose of developing statements and policies for both the state of Wisconsin and Chippewa tribal leaders. Although not discussed as an activity, this kind of project is certainly a positive reinforcement of the learning and understanding this book promotes.

High School Activity 1

The Anishinabe People

Necessary Background Information

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, pp. xi-xiii and ch. 1.

Objectives

By the end of this lesson the student will

- understand some important aspects of the social, cultural, and political background of the Anishinabe people.
- be able to identify the basis of the Anishinabe's treaty relations with the United States.

Concepts

- The Anishinabe people made their living from the land by harvesting a wide variety of plants and hunting or trapping various animals for their survival.
- As the Anishinabe people came into contact with French fur traders, the French began to call them Ojibwa, and when the French lost prominence in the area and the British moved in, the British pronounced Ojibwa as Chippewa.
- The center of Anishinabe social and political life is the family, which includes members of the extended as well as the nuclear family.
- All members of the family work together in hunting, fishing, and gathering and survive traditionally in a subsistence culture, living off the land from year to year.
- While hunting, fishing, and gathering, the Indians followed a pattern of seasonal migration moving from one location to another so as not to damage the natural resources upon which they relied while efficiently harvesting food and other products for shelter.
- Spearing in the spring and fall is an efficient way of harvesting fish and, if care is taken to not over-harvest, the resource maintains the ability to reproduce itself. The Anishinabe have speared fish for hundreds of years.
- In maintaining their subsistence lifestyle, the Anishinabe were careful to practice strict conservation measures to protect the resources upon which they relied.
- The Anishinabe people are socially organized into groups called clans that were usually comprised of several families claiming a common ancestor known for certain special characteristics.
- The Anishinabe had an allocation system by which the products of their hunting, fishing, and gathering were distributed equitably among all members of the family and band.
- The Indian idea of land ownership stressed that the land upon which they lived is owned communally by all members of the band and all have equal rights to that land.

Fundamentals

- 1, Pretest on Chippewa Reserved Treaty Rights
- 2, Seasonal Activities of the Anishinabe People
- 3, Traditional Family and Clan Structure of the Anishinabe
- 24, Reservations in Wisconsin

Procedures

- Give the students the pretest (Fundamental 1). The questions in this test will be addressed in the following nine lessons.
- Ask students to identify the activities that support a subsistence culture such as that of the Anishinabe.
- Ask the students to suggest reasons why different activities are important during different seasons and how those activities might best be split among work groups and seasons.
- Using the map of Wisconsin, have the students locate the areas and seasons in which the various activities previously described might take place.
- Have the students also identify how the described activities might also be split among people so as to maximize productivity among those hunting and gathering.
- Distribute Fundamental 3. Have students discuss the allocation of work in the context of the family unit.
- Have the students explain how the resources used by the Anishinabe might be distributed and how this relates to their communal ideas of land ownership.
- Conclude the lesson by asking the students to either write a paragraph or discuss as a class the importance of hunting and gathering for the Anishinabe and how they might rely on the land and available resources for their livelihood.

High School Activity 2

Treaties and Treaty Making

Necessary Background Information

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 1-2.

Objectives

By the end of this lesson the student will

- be able to identify the historical functions of treaty-making.
- understand how treaty-making is used in political relations.
- understand some problems encountered by Indians in treaty negotiations with the United States.

Concepts

- The various European colonial powers and later the United States recognized the sovereignty of Indian tribes and lands by entering into treaties with them.
- In theory, the treaty negotiation process between the Chippewa Indians and the United States took place as government-to-government relations with both sides having an equal part in the process.
- In reality, the treaty negotiation process favored the more powerful United States which used Chippewa indebtedness to traders as leverage in the negotiation process.
- Chippewa Indians signed land cession treaties in 1837 and 1842 that sold the northern third of what is now Wisconsin to the federal government.
- The United States and Indian tribes share certain attributes of nations including that of sovereignty; through treaties the tribes gave up certain aspects of sovereignty while retaining others.
- Negotiations between the United States and Indian tribes were carried out before treaties were signed, but the Indian participants were frequently not representative of the larger group for whom they were supposedly negotiating, and, as a result, the Indians often felt slighted by the resulting treaties.
- When the Chippewa Indians ceded lands in Wisconsin to the federal government in 1837 and 1842, they insisted on including in the treaty several reserved rights, including the right to continue to hunt, fish, and gather in the ceded territory.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."

Fundamentals

- 5, G-K, Drawings and Pictures Regarding Chippewa Culture
- 14, Blank Treaty
- 16, Treaty with the Chippewa, 1837

Procedures

- During this exercise the students will be divided into two groups for the purpose of negotiating an agreement between them. You may want to divide the class into two groups of *unequal* size.
- The first group, perhaps two-thirds of the class, wants to buy land from the second group. The second group, the remaining one-third of the class, is uncertain about the sale and would like to reserve the right to use the land in the future. The group buying the land is willing to allow the seller to use the land for a few years but not forever. The sellers will not sell if they feel their children will be deprived of that which they themselves enjoyed as children, but an agreement must be reached.
- The two groups should not negotiate as a whole, but rather must select one or two negotiators each.

— Divide the class into two sections.

— Provide each group with a brief list of instructions for their side only, and do not tell each group the intentions of the other.

— Bring the negotiators together in the center of the class and give them a brief period of time to negotiate the agreement. Have one student write the agreement down and when it is complete, ask each of the negotiators to sign it.

— Have each negotiator present the agreement to the rest of their group and ask them to determine if their group is satisfied.

— Reproduce an example of a treaty for the students. Give them a definition of the word "treaty."

- Ask the students to answer the following questions:

— How is the agreement they negotiated similar to the treaty?

— How is it different from the treaty?

— What problems did the students have in negotiating the treaty?

— How might their problems be similar to those experienced in the nineteenth century?

— Compared to the negotiation that took place in class, ask the students to explain what advantages and disadvantages the United States and Indian treaty negotiators might have had in the negotiation process.

Note: The disparate size of the groups used in the exercise may not sufficiently underscore the unequal bargaining position that the Chippewas held in dealing with the United States. Look to Fundamental 5G as an example of the imbalance.

Optional Procedures

- Transcribe the written agreement into a foreign language and distribute it to the class.
- Ask the negotiators to explain the terms of the agreement while referring to the new document.
- Ask the class to identify the various points of their agreement in the foreign language.
- Have the students identify how this exercise simulated the troubles experienced in the treaty negotiation process.
- Relate to the students the difficulty of negotiating treaties in different languages through the following exercise:

— Ask the students to take out a coin.
— From what they can gather from only the symbols on the coin, have them explain everything they can about a society that would use such symbols. They may not use any written words on the coin.
— Discuss the ways in which one nation's knowledge of the language used in the negotiations could affect the process and outcome of negotiations.

The Constitutional Framework of Treaty Making

Necessary Background Information

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 1 and 2.

Objectives

By the end of this lesson the student will
- be able to identify the legal basis of federal-Indian relations.
- be able to identify the alternatives to treaty-making considered by the federal government.
- understand the role treaties play in relations between nations.

Concepts

- For negotiations to take place fairly, both parties must give their consent to the agreement at hand and should fully understand all aspects of the agreement.
- Treaty negotiations between the United States and Indian tribes were, according to the Northwest Ordinance, supposed to take place in "good faith" with both parties acting truthfully and honestly.
- The Northwest Ordinance proclaimed that the only reason the United States should fight Indian tribes was in the event of a "just and lawful war" such as a defensive action or an act of retribution.
- According to the Constitution, treaties signed by the United States are to be acknowledged as "the supreme Law of the Land" and courts and judges at every level in every state must treat them as such.
- The term "Indians not taxed" in the Constitution refers to Indians not counted as citizens before the passage of the Indian Citizenship Act in 1924; all Indians who are now citizens pay federal income taxes and property taxes on private property they own.
- In the 1830s Supreme Court Chief Justice John Marshall referred to Indian tribes as "domestic dependent nations" since, although they existed *within* states and territories of the United States, they possessed the powers of self-government under federal wardship.
- The federal government's role in Indian-U.S. relations is that of a guardian charged with protecting its Indian wards.
- Indian tribes are like foreign nations within the United States in that they retain some measure of sovereignty while having given up others as a result of treaties with the federal government.

Fundamentals

- 10, The Marshall Trilogy of Supreme Court Cases Regarding Indians
- 13, A Treaty from Negotiation to Litigation
- Complete copy of the U.S. Constitution (teacher supplied)

Procedures

• Discuss with students the ways in which the Northwest Ordinance and the Constitution provided a framework for Indian-white relations.

Northwest Ordinance of July 13, 1787. "The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them . . . . " (Prucha, 1990, pp. 9-10.)

References to Indians in the United States Constitution. Article I, Section 2, Clause 3—Indians not taxed. "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years and excluding Indians not taxed, three fifths of all other Persons."

Article I, Section 8, Clause 3—Commerce Clause. "[The Congress shall have Power] . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Article II, Section 2, Clause 2—Treaty Clause. "[The President] . . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ..."

Article VI, Clause 2—Supremacy Clause. "This Constitution and the Laws of the United States . . . and all Treaties made, or which shall be made, . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws or any State to the Contrary notwithstanding." (Dollar, et al. 1984, p. 627-637)

— Reproduce the excerpt from the Northwest Ordinance on an overhead or chalkboard or distribute it to students.
— Have the students define in their own words the terms: "good faith," "consent," and "just and lawful war."
— Have students study the U.S. Constitution and locate specific references in the document regarding Indians. They should find the references listed above.
— Discuss the meaning of the terms contained in the two documents.
— Discuss the role of the three branches of the federal government in the treaty-making process.

  Executive: Treaty negotiations and presidential authority.

  Legislative: Senate consultation and the ratification of treaties.

  Judicial: Litigation involving treaties. (For additional information see Fundamentals 10 and 13.)

• Have the students create a chart of the treaty negotiation and ratification process. Follow the example set out in Fundamental 13.

• Have the students identify treaties being currently negotiated by the federal government. Use newspapers and magazines if necessary. Examples of such treaties might be arms control or trade agreements.

References

Dollar, Charles, Joan Gunderson, Ronald N. Satz, H. Viscount Nelson, Jr., and Gary W. Reichard. *America Changing Times: A Brief History*, 2nd ed. New York: John Wiley & Sons, Inc., 1984.

Prucha, Francis Paul, ed. *Documents of United States Indian Policy*. 2nd ed. Lincoln: University of Nebraska Press, 1990. pp. 9-10.

High School Activity 4

Early Federal-Indian Policy, 1789-1830s

Necessary Background Information

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 1.

Objectives

By the end of this lesson the student will
- be able to identify key elements of early American Indian policy.
- understand the ideas and values on which early American Indian policy was based.

Concepts

- The United States developed a system of government-run trading houses in the late eighteenth century called the "factory system," designed to run the Indians into debt and use the debt to acquire lands cheaply, in trade.
- According to the Northwest Ordinance, the United States hoped to promote "peace and friendship" in government relations with the Indians.
- The payments made to Indians for land they sold to the federal government were called annuities; the annuity system provided the framework for the distribution of payments to the Indians on an annual basis for a set period of years.
- The Bureau of Indian Affairs was established in 1824 within the War Department for the purpose of managing and facilitating the administration of Indian affairs.
- Believing that Indians were "savages," the United States instituted a "civilization" policy which tried to destroy Indian culture and replace it with that of mainstream America's.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."
- The Chippewa Indians signed land cession treaties in 1837 and 1842 by which they sold much of what is now the northern third of Wisconsin to the federal government.
- The United States planned for the removal of many Indian tribes from their aboriginal lands east of the Mississippi to lands west of the Mississippi, but the Chippewas stayed in Wisconsin on reservations.

Fundamentals

- 4, Report of Secretary of War Henry Knox to President George Washington
- 6, President Andrew Jackson on Indian Removal
- 8, The Western Frontier in 1830

Procedures

- Have the students read the report of the Secretary of War found in Fundamental 4.

- Ask the students to identify why he recommended treaty-making as a way of dealing with Indians. What alternative was also mentioned? Why was it rejected?
- Have the students read President Thomas Jefferson's comments.

President Thomas Jefferson to William Henry Harrison, February 27, 1803. "To promote this disposition to exchange lands, which they [Indians] have to spare and we want, for necessaries which we have to spare and they want, we shall push our trading [ho]uses, and be glad to see the good and influential individuals among them run in[to] debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of lands." (Lipscomb, 1903, pp. 368-373.)

- Ask the students to identify what Jefferson wanted to do with the government trading houses.
- Have students write their responses to the following question: What are the possible reasons why the leaders of the United States opted for treaty-making rather than a policy of open warfare with the Indian tribes?
- Ask the students to read the Andrew Jackson quote and look at the map of the United States in Fundamental 8.
- Ask the students to identify possible reasons for Jackson's removal policy.

Note: Although annuity payments ended long ago, many non-Indians believe tribal members continue to receive checks from the government each month. It is important to distinguish between annuities paid long ago to the Indians as compensation for their land and social services and other benefits provided to all citizens today. In this regard it is also important to discuss the concept of dual citizenship defined in the glossary in the Appendix B. Information on social services provided to Indians and non-Indians in Wisconsin may be found in "Treaty Crisis: Cultures in Conflict," published in the *Wisconsin State Journal* as a special edition in 1990 featuring a reprinting of articles published between December 10, 1989, and April 8, 1990, pp. 1-56.

References

Lipscomb, Andrew A., ed. Vol. 10 of *The Writings of Thomas Jefferson*. 20 Vols. Washington, DC: Thomas Jefferson Memorial Association, 1903.

High School Activity 5

Chippewa Land Cession Treaties of 1837 and 1842

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights.* Odanah, WI: GFIFWC, 1991.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, pp. xi-xiii and chs. 1-5.

Objectives

By the end of this lesson the student will
- be able to identify the reasons for the United States' interest in Chippewa lands.
- be able to identify the methods used in negotiating treaties.
- understand the long-lasting results of the treaties of 1837, 1842, and 1854.

Concepts

- When negotiating the first treaties with the Chippewa Indians, the United States incorrectly referred to the Chippewas as a unified Chippewa Nation in order to simplify the process of buying as much Chippewa land as possible often from bands that did not actually live on the land they were being asked to cede.
- Federal treaty negotiators told the Chippewas that they could continue to hunt, fish, and gather on ceded lands during the "pleasure of the president," which the Indians were told meant as long as they did not harm the advancing white population.
- When the Chippewas sold their land to the federal government, they retained privileges of occupancy such as hunting, fishing, and gathering rights.
- The Chippewa Indians stressed in the treaties of 1837 and 1842 that they wanted the United States to recognize certain reserved rights: to continue to hunt, fish, and gather in the ceded territory.
- In the Chippewa treaties of 1837 and 1842, the Indians retained certain usufructuary rights to continue to hunt, fish, and gather on the land they ceded.

Fundamentals

- 3, Traditional Family and Clan Structure of the Anishinabe
- 15, Journal of the Proceedings of . . . 1837
- 16, Treaty with the Chippewa, 1837
- 17, Treaty with the Chippewa, 1842
- 20, Treaty with the Chippewa, 1854
- 21, Land Cessions

Procedures

- Have the students make a list of what the Indians were to give up by the 1837 and 1842 treaties by using Fundamentals 16 and 17.
- Have the students make a list of what the Indians retained under the treaties of 1837 and 1842. The reserved rights should not be included in this list. Reserved rights were *retained* by the Indians, not *granted* to them by the United States.

- Ask the students identify which bands lost land as a result of this land cession treaty by using Fundamental 16.
- Review Fundamental 3, focusing on clan structure as an outgrowth of family structure. Discuss why the U.S. government's trifling knowledge of clan structure's limited power led to misunderstanding and ignorance.
- Have the students use Fundamental 21 to locate the historic locations of the various bands listed as signers of the 1837 treaty.
- From the Indian signers of the 1837 treaty and the map of Wisconsin depicting land cessions, have the students identify which bands did not lose land as a result of the treaty.
- Ask the students to explain why the United States wanted to negotiate with the Chippewas as a "nation" rather than as individual bands during treaty negotiations.
- Discuss the meaning of Pleasure of the President.

Alternative Procedures

- Distribute copies of the Journal of the Proceedings of the 1837 treaty found in Fundamental 15.
- Have the students engage in a role-playing exercise in which several act out the dialogue of the 1837 treaty proceedings in Fundamental 15.
- Assign the characters of Henry Dodge, Flat Mouth, Hole in the Day, Verplanck Van Antwerp, Lyman Warren, Little Six, etc. as time and the number of students permits.
- Discuss the meaning of the speeches given by each of those who participated in the treaty discussion.
- Discuss the importance of language and usage in these quotations and in treaty making in general.

High School Activity 6

Reservations, Not Removal

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights.* Odanah, WI: GFIFWC, 1991, pp. 1-3, 15-18.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 4-5, appendixes 5-6.

Objectives

By the end of this lesson the student will

- be able to explain why the Anishinabe remained in Wisconsin rather than being removed west of the Mississippi River as were many other Indian tribes.
- understand why there was limited pressure on the state or federal government to remove the Chippewas from their Wisconsin lands in the mid-nineteenth century.
- understand why the Chippewas remained in Wisconsin despite efforts to remove them.
- understand that the Mole Lake and St. Croix bands remained landless until the mid-1930s.

Concepts

- The payments made to Indians for land they sold to the federal government were called annuities; the annuity system provided the framework for the distribution of payments to the Indians on an annual basis for a set period of years.
- The Chippewas were able to avoid removal from the state due to public interest in keeping them here.
- Four bands of Wisconsin's Chippewa Indians remained in the state on reservations that were established in 1854.
- Reservations have had a disastrous effect on the traditional seasonal cycle of the Indians because of a reduced land base.
- The Mole Lake and St. Croix bands, who were not a part of the 1854 negotiations, lived as squatters on ancestral lands until the U.S. government provided reservations for them in the mid-1930s.

Fundamentals

- 8, The Western Frontier in 1830
- 19, Eyewitness Account of the Wisconsin Death March
- 20, Treaty with the Chippewa, 1854
- 22, Chief Buffalo's Memorial to President Millard Fillmore
- 23, State of Wisconsin Petition Against Chippewa Removal
- 24, Chippewa Reservations in Wisconsin
- Blank map of Wisconsin (teacher generated)

Procedures

- Review the nature of the Anishinabe lifestyle and ask the students to answer the following questions:

— What problems might occur if the Indians were forced to travel to Sandy Lake, Minnesota in October to receive their annuity payment? Using a map of Wisconsin and Minnesota, determine the distance from La Pointe, Wisconsin, to Sandy Lake, Minnesota.

— What did the Indians have to give up if they traveled to Sandy Lake?

— Why would the federal government want them to travel to Sandy Lake?

— What effect did annuity payments have on the seasonal cycle of the Anishinabe?

- Have students draw in the locations of reservations listed in the 1854 treaty on the blank map of Wisconsin.
- Have the students identify the bands (St. Croix and Mole Lake) of Anishinabe that are omitted from the 1854 treaty.
- Have the students make a list of possible reasons why the non-Indian residents of Wisconsin might have wanted the Chippewas to stay in Wisconsin.
- Read Fundamental 23 to the students and discuss with them the reasons Wisconsin residents wanted the Chippewas to remain in Wisconsin.
- After analyzing the map of the United States found in Fundamental 8, ask the students to list possible reasons why the federal government wanted to remove Indians west of the Mississippi River.
- Read Chief Buffalo's comments found in Fundamental 22 to the students and have them write in their own words what he was saying to President Millard Fillmore.
- In small groups, have the students determine what happened to the Chippewas in Wisconsin. Each group is to show their understanding by writing a letter to their "cousin" in another country answering the cousin's question. Their cousin writes:

  What happened to the Indians in your state regarding land, treaties, culture, and population? We watch a lot of TV, especially old American cowboy and Indian movies. What are Indians really like? Were they sent off to the West like tribes in other states? What kinds of things do they do today? Please fill us in on all the details.

High School Activity 7

Denial of Treaty Rights

Necessary Background Information

• Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 6.

Objectives

By the end of this lesson the student will

• be able to identify benefits that accrued to some non-Indians as a result of their infringement upon the Chippewas' reserved rights.

• be able to identify how the Chippewas' usufructuary rights were infringed upon by the state of Wisconsin prior to 1983.

• be able to identify other ways in which Chippewa culture was suppressed in the late nineteenth and early twentieth centuries.

• understand the relationship between acculturation of the Chippewa in non-Indian society and denial of treaty rights.

• understand the impact of federal efforts to acculturate the Chippewas and state efforts to regulate Chippewa hunting, fishing, and gathering.

Concepts

• In the late nineteenth century, the federal government tried to force the acculturation of Indians by denying them their traditional culture, religion, and lifestyle.

• The lands assigned to individual Indians under the Dawes Act were called allotments, but a very small amount of this land remained in Indian possession.

• Efforts to transform the Indian culture by stressing the use of English language and the American way of life did not lead to efforts to fully integrate or assimilate Indians into American society.

• One of the major means by which the government tried to acculturate the Indians was through the use of boarding schools in which Indian children were educated in non-Indian ways and culture.

• The property rights retained by the Chippewas in the treaties of 1837 and 1842 were not affected by the Citizenship Act of 1924, but nonetheless the state increased its efforts to extend jurisdiction over Indians.

• All Indians were granted United States citizenship as a result of federal legislation in 1924 with the provision that this legislation did not interfere with their tribal status or treaty rights.

• Indians, like other United States residents, possess a kind of dual citizenship in that they are citizens of their tribe, the state where they reside, and of the United States just as non-Indians are citizens of the state where they live and of the United States.

• In the 1950s, the federal government instituted a termination policy in dealing with Indians in that it tried to end their status as recognized, sovereign tribes; this termination policy was later replaced by a policy favoring self-determination.

Fundamentals

• 29, Bad River Band's "Declaration of Cold War"

• 30, Summary of Voigt Case Decisions, 1983-1991

Procedures

- Reviewing the seasonal activities of the Anishinabe discussed in Activity 2, ask the students to list the economic benefits gained by non-Indians as the Chippewas were denied their off-reservation reserved rights.
- Have the students analyze the excerpt from the 1871 legislation and ask them to discuss the impact this act had on reserved rights.

Legislation Ending Treaty Making, 1871. *An Act making Appropriations for the current and contingent Expenses of the Indian Department . . . .*

. . . Yankton Tribe of Sioux . . . . For insurance and transportation of goods for the Yanktons, one thousand five hundred dollars: *Provided*, That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: *Provided, further*, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe . . . . (U.S., *Statutes at Large*, 1871.)

- Have the students analyze the excerpt from the Indian Citizenship Act and discuss the impact the act had on reserved rights.

Indian Citizenship Act, 1924. In 1924 Congress granted citizenship to all Indians born within the United States who were not yet citizens.

An Act To authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

Be it enacted . . ., That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property. (U.S., *Statutes at Large*, 1924.)

- Explain to the students that some Americans have dual citizenship. Chippewa Indians are also citizens of their band.
- Have the students analyze the summary of the Voigt Decision found in Fundamental 30.
- Read the Bad River Band's "Declaration of Cold War" in Fundamental 29 and review with the students the circumstances in the 1950s that led the Bad River Band to have written the "Declaration of Cold War."

References

U.S. Congress. Act of March 3. *Statutes at Large*. Vol. 16. 1871, p. 566.

U.S. Congress. Act of June 2. *Statutes at Large*. Vol. 43. 1924, p. 253.

High School Activity 8

Reaffirmation of Treaty Rights

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights.* Odanah, WI: GFIFWC, 1991, pp. 15-18.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 7-8, appendixes 7-9.

Objectives

By the end of this lesson the student will

- be able to understand the background of the Voigt Decision.
- be able to identify the effects of such interpretations concerning the reaffirmation of the exercise of Chippewa treaty rights.
- be able to identify the importance of the reserved rights, identified in the treaties of 1837 and 1842, to the Chippewas of Wisconsin.

Concepts

- In seeking to improve the condition of Indians throughout the United States, Indian militancy became prominent in the late 1960s and 1970s. This activism was intended to make the Indians' disadvantaged and impoverished condition visible to the general public and to reassert tribal sovereignty while demanding federal protection of reserved rights.
- Although a 1979 federal court decision regarding the reserved rights of the Chippewas was not in their favor, the case went to the Seventh Circuit Court of Appeals whose appellate jurisdiction forced the lower court to change its ruling.
- In the 1983 Voigt Decision, federal judges upheld the reserved usufructuary rights of Wisconsin's Chippewa Indians to hunt, fish, and gather on the land they had ceded to the United States.
- Federal judges reaffirmed these reserved rights of the Chippewas, recognized in the treaties of 1837 and 1842 because, regardless of the passage of time, those rights still belong to the Indians.
- In upholding the reserved rights of the Chippewas, the federal courts in 1983 applied the judicial canons of interpretation to the treaties and determined what each document meant to those who signed it.

Fundamentals

- 11, Judicial canons of interpretation of Indian treaties
- 16, Treaty with the Chippewa, 1837
- 17, Treaty with the Chippewa, 1842
- 30, Summary of Voigt Case Decisions, 1983-1991
- 35, Rights to Fish, 1991

Procedures

Harvest Rights of State Users, 1991. The litigation involving treaty rights has focused primarily on the harvest rights of the Chippewa bands. The rights of non-Indian

users were not directly at issue. However, the treaties, like any contract did secure rights for both parties. While the Chippewas retained harvest rights under the treaties of 1837 and 1842, the United States gained ownership of the property in the northern third of Wisconsin.

Among the rights obtained by the United States and transferred to the State of Wisconsin upon statehood in 1848 was the right to manage the fish and game within the ceded territory. Judge Barbara Crabb ruled in 1991 that the management authority lies with the State and not with the tribes. The Court requires the State to manage the ceded territory fishery for the benefit of all current and future users. The tribes may challenge any State action that they believe infringes on their treaty rights.

The State's management responsibility must take into account one very important factor. The tribes are entitled to up to 50 percent of the harvestable resource. State users are entitled to the remaining allowable harvest. The State of Wisconsin must regulate its users to ensure that the state harvest, when combined with the Chippewa harvest, does not result in an over-harvest situation. Furthermore, the Voigt case requires the state to manage the resources of the ceded territory for the benefit of all current and future users, both tribal and non-tribal.

For some wildlife species regulated by quota, the Chippewa harvest has resulted in a lower number of tags or permits available for the non-Indian harvester. For species not regulated by quota but subject to a potential over-harvest (e.g., walleye and muskellunge), lower state bag limits may be necessary. For other species, such as rough fish, bass, and panfish, the resource can support the Chippewa harvest without the need for additional state regulations on non-treaty users. If the Chippewa harvest of a species should increase substantially, additional state regulations would be necessary. (U.S. Department of Interior, 1991.)

- In light of Activity 7, discuss with the students the meaning of the four judicial canons of interpretation found in Fundamental 11.
- Provide to the students the excerpt describing the rationale behind the Voigt Decision found in Fundamental 30 and ask them to explain how they relate to the judicial canons of interpretation.
- Ask students to discuss why the judicial canons of interpretation are important to the Indians and the federal government.
- Ask students to explain what the Chippewas in Wisconsin had to forego prior to 1983.
- Read to the students the excerpt from President George Bush's inaugural address. Ask the students to write in their own words what they think President Bush means in this statement.

Excerpt from President George Bush's Inaugural Address, January 20, 1989. "Great nations like great men must keep their word. When America says something, America means it, whether a treaty or an agreement or a vow made on marble steps." (USGPO, 1989, p. 349)

- Ask the students to identify the economic as well as cultural impact the loss of the Chippewa reserved rights may have had on the Indian lifestyle.

References

U.S. Department of the Interior. *Casting Light Upon the Waters: A Joint Fishery Assessment of the Wisconsin Ceded Territory*. Minneapolis, MN: Bureau of Indian Affairs, 1991.

Inaugural Addresses of the Presidents of the United States from George Washington 1789 to George Bush 1989 Washington: GPO, 1989, p. 349.

Chippewa Treaty Rights and Resource Management

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights.* Odanah, WI: GFIFWC, 1991, pp. 1-9.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective.* Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 8-9, appendixes 7-9.

Objectives

By the end of this lesson the student will
- be able to identify the impact of exercise of Chippewa treaty rights on Wisconsin's natural resources.
- be able to identify the responsibilities of the state of Wisconsin and the Chippewa Indians in managing Wisconsin's natural resources.
- be able to identify the impact of the Voigt Decision on resource management in Wisconsin.

Concepts

- A limit, or an allowable catch, is established for every lake to ensure that not too many fish are taken and that the ability of the remaining fish to repopulate the lake is not damaged.
- The Wisconsin Department of Natural Resources (DNR) actively maintains and protects the valuable natural resources for all state residents and visitors to enjoy and use.
- The Great Lakes Indian Fish and Wildlife Commission acts to protect and preserve the natural resources in the ceded territory in much the same way as the DNR but takes direction from the six bands of Chippewa Indians in the state.
- The Chippewa Indians in Wisconsin maintain productive fish hatcheries from which they stock lakes to replenish the fish resources for the enjoyment of all state residents.
- Effective resource management ensures that the natural resources of the state are protected and preserved for the use and enjoyment of all people.
- Tribal game wardens enforce the many rules and regulations that apply to the Chippewa Indians, on-reservation and off-reservation treaty harvest of many animal and fish resources.

Fundamentals

- 1, Pretest on Chippewa Reserved Treaty Rights
- 31, Tribal and Sport Resource Harvest Graphs
- 32, Tribal Harvest License and Wisconsin Angling License
- 33, Joint Fishery Assessment, 1991
- 34, Resource Management Decision Makers, 1991
- 35, Rights to Fish, 1991
- *Lake Superior Indian Fisheries*/Videotape. (optional) For order information, see the Great Lakes Indian Fish and Wildlife Commission in Appendix B.
- *Voigt Treaty Rights*/Videotape. (optional) For order information see Great Lakes Indian Fish and Wildlife Commission in Appendix B.

• *News From Indian Country*. (optional) For information on ordering this inexpensive newspaper, consult Appendix B.
• *Masinaigan*. (optional) For information on ordering complimentary copies of this GLIFWC newspaper, consult Appendix B.

Procedures

• Make an overhead of, display on the chalkboard, or distribute to students the three charts in Fundamental 31.
• Ask students to locate in newspapers or magazines material relating to the management of natural resources, and bring to class for discussion.
• Have the students identify what they see as the tribal impact on the natural resource.
• Read or distribute and have the students read the excerpts from *Casting Light Upon the Waters* in Fundamentals 33-35.
• Ask the students to interpret as specifically as possible from the above material the impact of the Chippewas' harvest on the available resources.
• Display on an overhead or distribute to the students copies of the tribal and angling licenses found in Fundamental 32 and ask them to identify the ways in which the two licenses are the same and ways in which the two licenses are different. Have them also identify the ways in which both licenses address the issue of resource management.
• Review and discuss with the students the resource management issues raised in the two videotapes produced by the Great Lakes Indian Fish and Wildlife Commission: *Lake Superior Indian Fisheries* and *Voigt Treaty Rights*. (optional)
Note: Be sure to identify the ways in which the individual Chippewa bands assist in managing Wisconsin's natural resources.
• Using *Masinaigan* and *News from Indian Country*, have the students locate and summarize articles relating to issues of resource management. (optional)
• Give students their copies of the pretest in Fundamental 1 and discuss with them the reasons why some of their answers may have changed since they took the pretest.

Resources High School

Activity 1

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 2.
- Great Lakes Indian Fish and Wildlife Commission (GLIFWC). *Manomin, Lake Superior Gourmet Wild Rice*. Brochure. Odanah, WI: GLIFWC.
- GLIFWC, *Wild Rice*. Poster. Odanah, WI: GLIFWC.
- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Mason, Carol I. *Introduction to Wisconsin Indians*. Salem, WI: Sheffield Publishing Co., 1988, chs. 4, 6.
- Ritzenthaler, Robert E. "Southwestern Chippewa." In *Northeast*. Ed. Bruce G. Trigger. Washington, DC: Smithsonian Institution, 1988, pp. 743-759.

Activity 2

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 2.
- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Mason, Carol I. *Introduction to Wisconsin Indians*. Salem, WI: Sheffield Publishing Co., 1988, ch. 6.
- Kvasnicka, Robert. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 195-201.
- Ritzenthaler, Robert E. "Southwestern Chippewa." In *Northeast*. Ed. Bruce G. Trigger. Washington, DC: Smithsonian Institution, 1988, pp. 743-759.
- White, Richard and William Cronon. "Ecological Change and Indian-White Relations." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 714-729.

Activity 3

- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Kvasnicka, Robert. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 195-201.
- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.

Activity 4

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 4.
- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Kvasnicka, Robert. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 195-201.
- Lohse, E. S. "Trade Goods." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 396-403.
- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.

Activity 5

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 5.
- Hagan, William T. "United States Indian Policies, 1860-1900." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 51-65.
- Kelly, Lawrence C. "United States Indian Policies, 1900-1980." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 66-80.
- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.

Activity 6

- Baca, Lawrence. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 230-237.
- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 6.
- Gibson, Arrell M. "Indian Land Transfers." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 211-229.

Activity 7

- Baca, Lawrence. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 230-237.
- Gibson, Arrell M. "Indian Land Transfers." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 211-229.

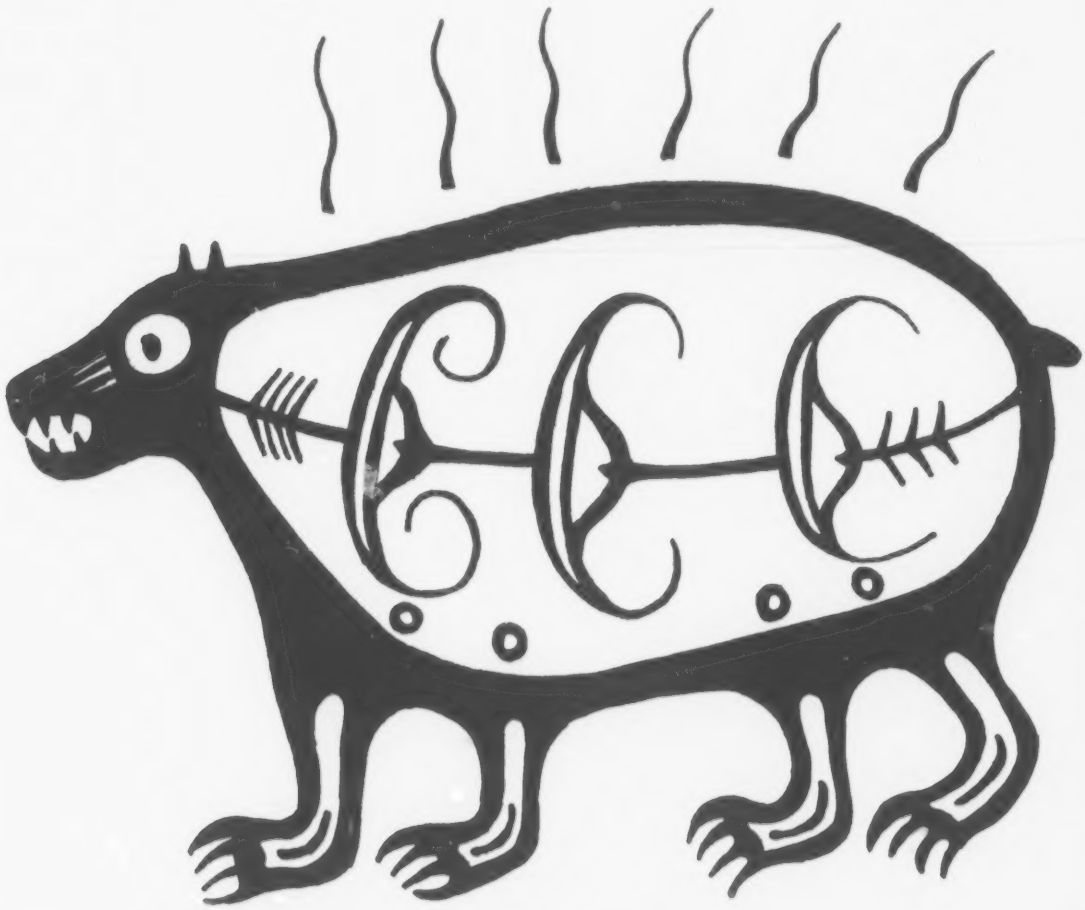
• Hagan, William T. "United States Indian Policies, 1860-1900." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 66-80.
• Kelly, Lawrence C. "United States Indian Policies, 1900-1980." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 66-80.
• Szasz, Margaret Connell and Carmelita Ryan. "American Indian Education." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 714-729.

Activity 8

• Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 7-10.
• Kelly, Lawrence C. "United States Indian Policies, 1900-1980." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 66-80.
• United States Department of the Interior. *Casting Light Upon the Waters: A Joint Fishery Assessment of the Wisconsin Ceded Territory*. Minneapolis, MN: Bureau of Indian Affairs, 1991.
• White, Richard and William Cronon. "Ecological Change and Indian-White Relations." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution. 1988, pp. 714-729.

Activity 9

• GLIFWC. *Chippewa Treaty Harvest of Natural Resources: Wisconsin, 1983-1990*. Odanah, WI: GLIFWC, 1990.
• GLIFWC. *Lake Superior Indian Fisheries*. Videotape. Odanah, WI: GLIFWC.
• GLIFWC. *Stop the Invaders of the Great Lakes*. Poster. Odanah, WI: GLIFWC.
• GLIFWC. *Minneapolis Area Tribal Fish Hatcheries*. Chart. Odanah, WI: GLIFWC.
• GLIFWC. *Voigt Treaty Rights*. Videotape. Odanah, WI: GLIFWC.
• United States Department of the Interior. *Casting Light Upon the Waters. A Joint Fishery Assessment of the Wisconsin Ceded Territory*. Minneapolis, MN: Bureau of Indian Affairs, 1991.
• White, Richard and William Cronon. "Ecological Change and Indian-White Relations." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution. 1988, pp. 714-729.



Mukwa, sacred animal to the Chippewa. Drawing by Richard St. Germaine.

Pretest on Chippewa Treaty Rights

The questions on the next page should be given before the students receive any instruction related to Chippewa treaty rights. This could also be used as a homework assignment or a post-test. Teachers are encouraged to read Satz (1991) for detailed explanations to the answers.

Key: All are false except question number 4.

Name: _____

Date: _____

1. The term Chippewa applies to Indians politically united as a single tribe living in Wisconsin during the frontier era.

☐ True ☐ False

2. The Chippewa concept of land ownership was remarkably similar to that of the non-Indians in the early 1800s.

☐ True ☐ False

3. There are no references to Indians or Indian tribes in the Constitution of the United States of America.

☐ True ☐ False

4. Treaties between nations, like France and Spain, are similar in many regards to treaties between the United States and Indian tribes.

☐ True ☐ False

5. The Chippewa treaties of 1837, 1842, and 1854 were written over a hundred years ago and have no importance today since they are so old.

☐ True ☐ False

6. In the 1850s logging companies, mining companies, and the State Legislature of Wisconsin vigorously sought to evict the Chippewas from the state.

☐ True ☐ False

7. Since the establishment of the Chippewa reservations in 1854, federal officials have consistently encouraged Chippewa children to learn more about their native language and tribal customs in school.

☐ True ☐ False

8. According to the Voigt Decision of 1983, Chippewa Indians gave up the right to hunt, fish, and gather in the ceded territory when they accepted reservations in 1854.

☐ True ☐ False

9. The responsibility for preserving the fish and game resources in Wisconsin today belongs solely to the Wisconsin Department of Natural Resources.

☐ True ☐ False

10. In recent years Chippewa Indian spear-fishing has destroyed the fish population in northern Wisconsin, and the Chippewas have done nothing to replenish the fish population.

☐ True ☐ False

Seasonal Activities of the Anishinabe People

	Craft and Wage Labor	Subsistance/ Trade Hunting	Agriculture	Fishing	Gathering Materials	Gathering Foods
Spring	Guiding Fur trade Making tools	Bear Deer Moose Marten Mink Muskrat Rabbit		All varieties of fish		Maple sugar
Summer	Guiding Fur trade Making tools		Beans Corn Pumpkins Squash	All varieties of fish		
Fall	Guiding Fur trade Making tools	Beaver Deer Duck	Beans Corn Pumpkins Squash	All varieties of fish	Medicinal herbs and roots	Berries Wild rice Wild potatoes
Winter	Guiding Fur trade Making tools	Bear Deer Moose Marten Mink Muskrat Rabbit		All varieties of fish		

* Adapted from Thomas Vennum, *Wild Rice and the Obiway People* (St. Paul: Minnesota Historical Society Press, 1988), Fig. 1, p. 4.

Blank Chart

Spring						
Summer						
Fall						
Winter						

Traditional Family and Clan Structure of the Anishinabe

The family unit of the early Ojibwa was built upon both the nuclear family and the support and cooperation of the extended family. The division of labor between the men and women involved some clear distinctions, but many of the necessary and important activities of the society involved both genders. Ojibwa men and women contributed as partners to their survival and success in an oftentimes challenging environment.

The men's roles focused primarily on the hunting and trapping of game and fishing, employing hook and line, spears, and dip nets. (Buffalohead, p. 239) These activities which provided the primary subsistence for the Ojibwa during the pre-contact period became altered with the involvement of the French and the evolution of a trade economy. Although the roles remained relatively constant, the purpose and intensity were substantially altered.

The primary traditional roles in which women predominated included the growing of corn, pumpkins, and squash (which was particularly difficult in the often poor soil and short growing seasons). There was also fishing (employing nets) and gathering of edible and medicinal plants. (Densmore, p. 127) The women also managed the collecting and processing of maple sap into syrup and sugar. Of great significance was the harvesting and storing of the wild rice which provided a basic staple during long, harsh winters when game was sometimes difficult to obtain. (Barnouw, p. 15; Buffalohead, p. 238-239)

Although men and women contributed to the Ojibwa economy in unique ways, there were many activities in which their roles were cooperative as well as complimentary. In the making of canoes, for instance, "Men fashioned the frame of the birch-bark canoe and made the paddles, while the women sewed bark to the frame with spruce roots and applied pitch or gum to the sewn areas to create a watertight vessel." (Buffalohead, p. 238) Women also assisted in the hunt by spotting game and carrying the meat from the woods to the domicile.

Beyond the subsistence tasks, the Ojibwa women performed most of the labor. Primary responsibility for the rearing of the children, and virtually everything that took place within the wigwam was at the woman's direction. As Schoolcraft observed, "The lodge is her precinct; the forest his." (Buffalohead, p. 241)

Marriages among the Ojibwa were arranged. A man interested in becoming married would approach the parents of a woman in whom he was interested, and by demonstrating his ability as a provider could be chosen by the parents. Having proven himself, the parents might then accept him. It was custom, however, for the couple to reside with the woman's parents for one to three years. "If all was satisfactory, they built a wigwam for themselves after that. Moving into their own wigwam was called bakanii'kwe, meaning, 'being separated from the wigwam.'" (Hilger, p. 159)

Women were accountable for training both young boys and girls. Men assumed primary responsibility for the training of the boys as they approached puberty and could be contributing members in the hunting, trapping, and fishing that would be expected of them as adults. (Buffalohead, p. 241) Girls would be taught agriculture,

gathering, and other responsibilities including the tanning of hides and the sewing and ornamentation of moccasins, leggings, and other clothing.

Although lecturing, counseling, and presentation of ideals were a part of the instructional process of Chippewa children, the process was primarily informal (Hilger, p. 55):

> A Chippewa child . . . was taught in an informal way to conform to the moral standards as well as to the religious, the economic, and the political pattern of his [/her] tribe. It learnt, too, the mental content of the culture pattern of its people and participated in their diversions. Much of this knowledge was learned by boys and girls before they reached puberty; all of it was expected to be theirs before marriage.

The children learned by observing and becoming involved in their parents' activities. This learning was enhanced by stories which provided a primary means of conveying values, beliefs, and world-view. These stories were shared often as teaching instruments by the parents, aunts, and uncles. The grandparents, who were frequent caretakers for the children, played a significant role in this regard. Young boys would usually be sent to male elders and young girls to female elders to hear the stories and learn the particular crafts from the most skilled artisans. "Both parents and grandparents constrained children to listen to the lectures given by the elders, and obliged them to learn from those skilled in the arts." (Hilger, p. 57) The "learning stories" could be shared at any time during the year. Particular "legends," however, were only shared after the summer had ended.

George Copway, an Ojibwa, in 1851, recollected the following about his childhood experiences in this instruction:

> Night after night, for weeks have I sat and eagerly listened to these stories. The days following, the characters would haunt me at every step, and every moving leaf would seem to be a voice of a spirit. To those days I look back with pleasurable emotions. (Hilger, p. 58)

The education and care of Ojibwa children was a community-wide responsibility; one assumed readily by elders and other adults and received gratefully by the children.

The unit of relationship above family was clan or do'dam. The number of clans among the Ojibwa apparently fluctuated over time with various reports of from seven "original clans" (Benton-Banai, p. 74) to five do'dams and later 21 reported by William Warren. (Hilger, p. 153) Clan members recognized each other as siblings, and marriage within one's own clan was not permitted. The determination of one's clan was patrilinear, that is, the children's clan was that of their fathers.

Clans also existed as important divisions of government, although clans seemed more prevalent during the summer when the bands came together and on those occasions when the Ojibwa were threatened by external agents. The winter pursuits required that the people disperse throughout their territory in subsistence units comprised of nuclear and extended families. This dispersion would have made the larger order of interaction impractical:

> The Ojibwa placed high value on individual autonomy. The clan system created a co-operative milieu for food gathering. The small Bands allowed for independence and self-direction. (Council of Three Fires, p. 41)

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Report of Secretary of War Henry Knox to President George Washington, June 15, 1789*

It is highly probable, that, by a conciliatory system, the expense of managing the said Indians, and attaching them to the United States for the next ensuing period of fifty years, may, on an average, cost 15,000 dollars annually.

A system of coercion and oppression, pursued from time to time, for the same period, as the convenience of the United States might dictate, would probably amount to a much greater sum of money . . . but the blood and injustice which would stain the character of the nation, would be beyond all pecuniary calculation.

As the settlements of the whites shall approach near to the Indian boundaries established by treaties, the game will be diminished, and the lands being valuable to the Indians only as hunting grounds, they will be willing to sell further tracts for small considerations. By the expiration, therefore, of the above period, it is most probable that the Indians will, by the invariable operation of the causes which have hitherto existed in their intercourse with the whites, be reduced to a very small number.

***Henry Knox** (1750-1806) Revolutionary general, Secretary of War under Washington. Painting by Gilbert Stuart.*
Reproduced from Dictionary of American Portraits, *New York: Dover Publications, Inc., 1967.*

* Quoted in Ronald N. Satz, *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective* (Madison: Wisconsin Academy of Science, Arts and Letters, 1991), p. 5.

Pictures and Drawings Regarding Chippewa Culture

*A: **Hunting in winter on snowshoes** (1800s). Chippewa hunters tied light, wooden oval frames, laced with thongs, to their feet. These snowshoes allowed them to walk on soft snow without sinking. Half of a stereograph by Charles A. Zimmerman, St. Paul, Minnesota. Iconographic Collection, State Historical Society of Wisconsin.*

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B: ***Wild ricing in the fall****. Wild rice grows in shallow, still, fresh water. Women paddled canoes through the rice fields, knocking the tip of the plants. The grain fell on mats in their canoes. The rice was later winnowed and stored in mococks. Plate 68, p. 235, Vol. 1 from* Indian Tribes of the United States, *ed. Francis S. Drake, 1884. After the 1857 edition, Plate 4, p. 553, Vol. 6 by Henry R. Schoolcraft. Drawn by Seth Eastman. Iconographic Collection, State Historical Society of Wisconsin.*

C: ***Gathering Maple Sap in March****. Members of the entire village gathered sap from sugar maple trees. It was collected in birchbark troughs then boiled in large metal kettles. Some was made into syrup and the rest boiled down into maple sugar. From a Seth Eastman painting in Henry Rowe Schoolcraft's* Indian Tribes of the United States, *1884. V. 1, p. 198. Iconographic Collection, State Historical Society of Wisconsin.*

D: ***Canoe building****. The bark of large silver birch trees was split and peeled off. This was done in June when the bark was soft and easy to remove. The bark was then rolled up and stored in a cool, shady place. Photo by George L. Waite, Wauwatosa, Wisconsin, 1927. Iconographic Collection, State Historical Society of Wisconsin.*

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E: ***Finishing a canoe.*** *The frame, gunwales, and thwarts are sewn to the bark with spruce roots. Stakes help hold the bark and frame in place. Photo by George L. Waite, Wauwatosa, Wisconsin. Iconographic Collection, State Historical Society of Wisconsin.*

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*F: **Chippewa woman preparing splints for weaving a basket**, about 1925. Birchbark containers were also used and some baskets were made of sweet grass. Iconographic Collection, State Historical Society of Wisconsin.*

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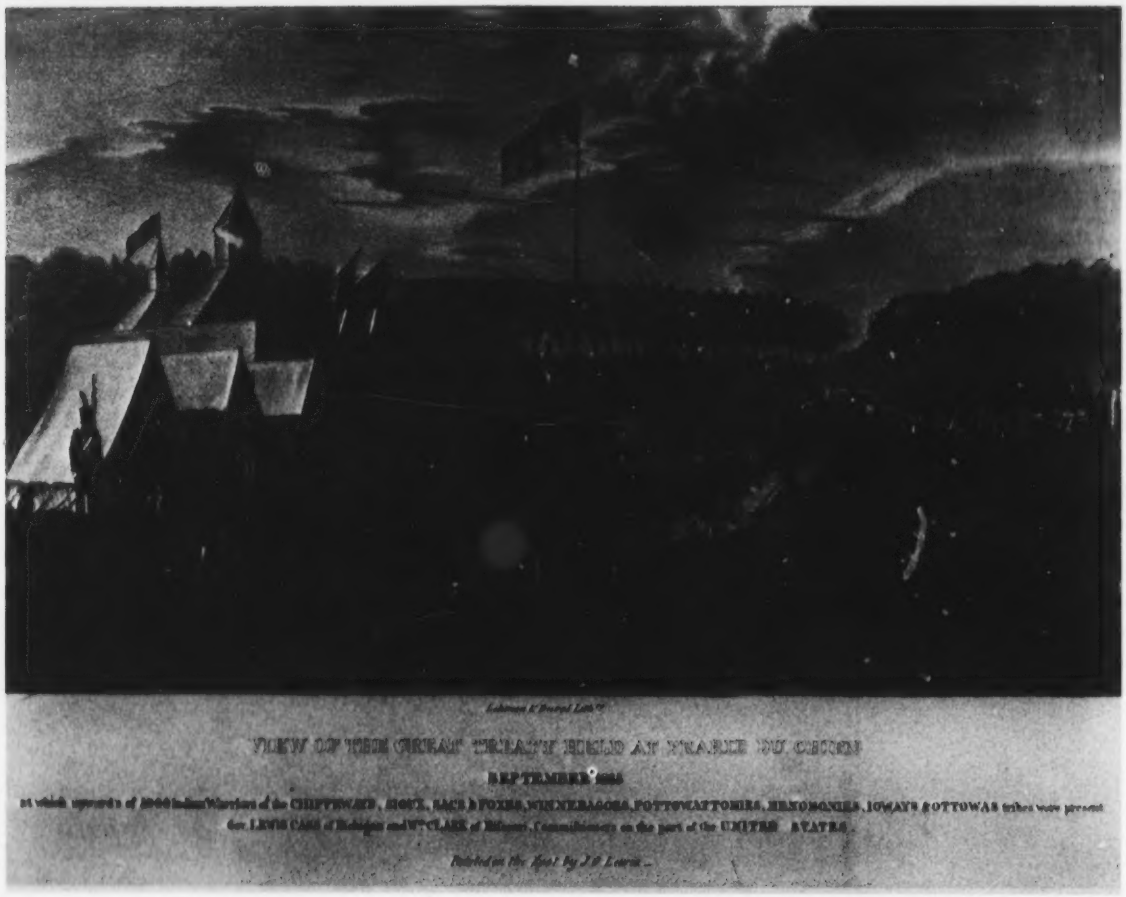

G: ***Great Treaty Field at Prairie du Chien, 1825.*** *This gathering was called for the purpose of promoting peace and establishing tribal boundaries. No territory changed hands. But groundwork was laid for the transfer of about 9 million acres to the United States during the next 20 years. Painted by James Otto Lewis. Iconographic Collection, State Historical Society of Wisconsin.*

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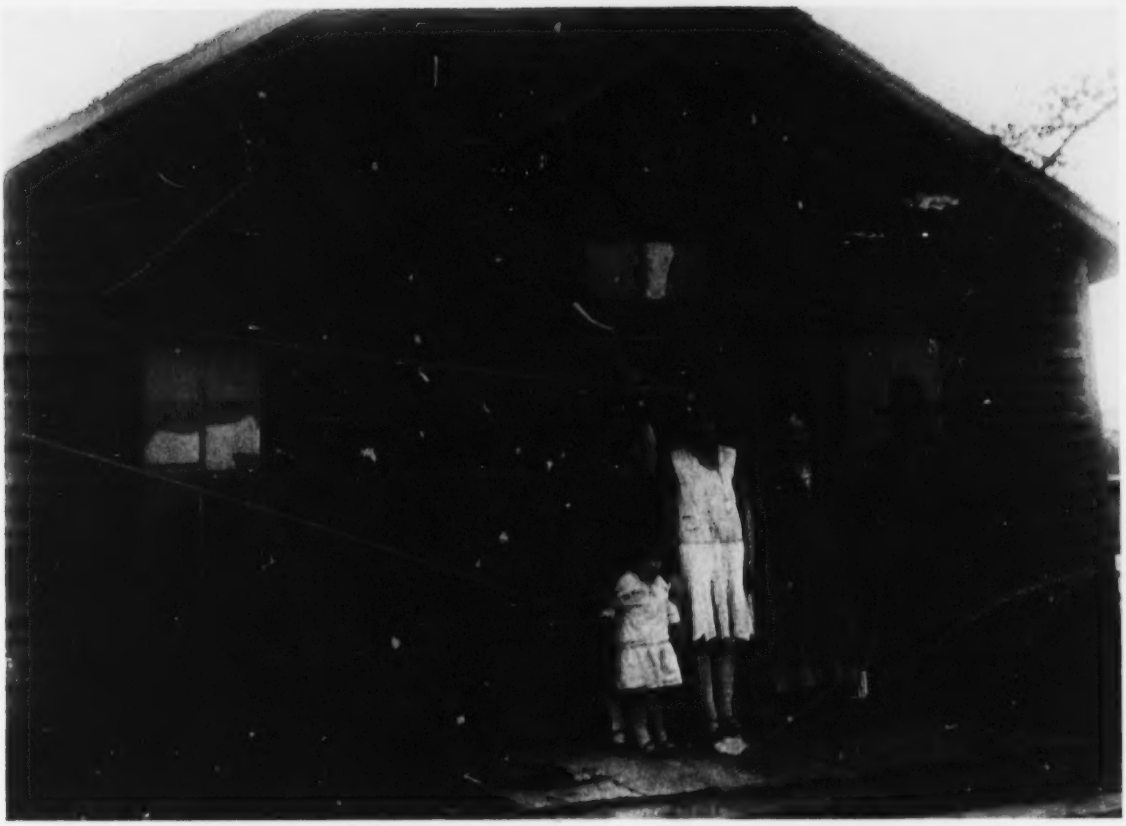

H: ***Frame house*** *of members of the Lac du Flambeau Band of Chippewa Indians, 1920s. Iconographic Collection, State Historical Society of Wisconsin.*

I: ***The sewing room*** *at Lac du Flambeau government school for Indian children, about 1895. Iconographic Collection, State Historical Society of Wisconsin.*

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*J: **Indian farmers**, about 1930. Government officials were eager for Indians to support themselves by farming. But the cutover lands available to Indians were poor. Small family farms proved inadequate for them to make a living. Iconographic Collection, State Historical Society of Wisconsin.*

K: ***Indians harvesting cranberries****, about 1934-38. Copied from Wisconsin Department of Agriculture photograph. Hand harvesting equipment was still in use at that time. Iconographic Collection, State Historical Society of Wisconsin.*

Fundamental 6

President Andrew Jackson on Indian Removal, December 8, 1829*

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States, whose limits they could control. That step can not be retraced. A State can not be dismembered by Congress or restricted in the exercise of her constitutional power. But the people of those States and of every State, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question whether something can not be done, consistently with the rights of the States, to preserve this much-injured race.

As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government.

This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws. In return for their obedience as individuals they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

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* James D. Richardson, comp. Vol. 2 of *Messages and Papers of the Presidents, 1789-1907*. 11 Vols. (Washington, DC: Bureau of National Literature and Art, 1897-1908), pp. 458-59.

The Removal Act of 1830*

An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always,* That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

And be it further enacted, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

And be it further enacted, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

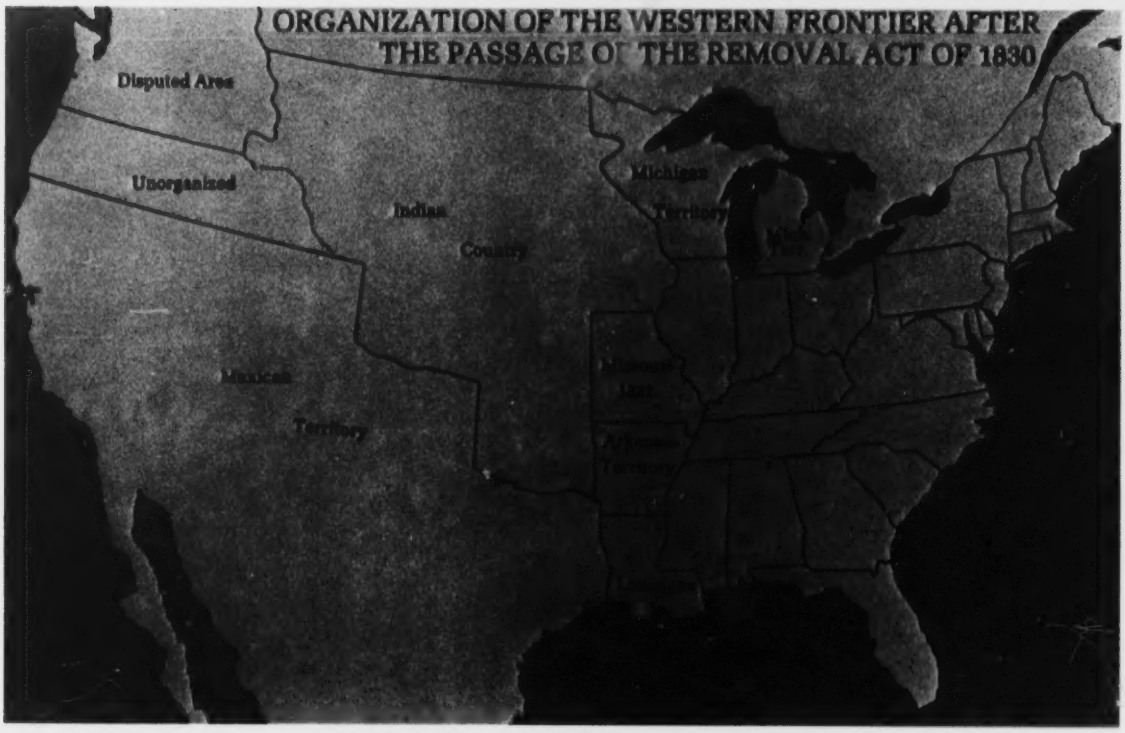
And be it further enacted, That it shall and may be lawful for the President to have the

* Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln, NE: University of Nebraska Press, 1975), pp. 296-298.

same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided,* That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

And be it further enacted, That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

The Western Frontier in 1830*



* Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln, NE: University of Nebraska Press, 1975), p.131.

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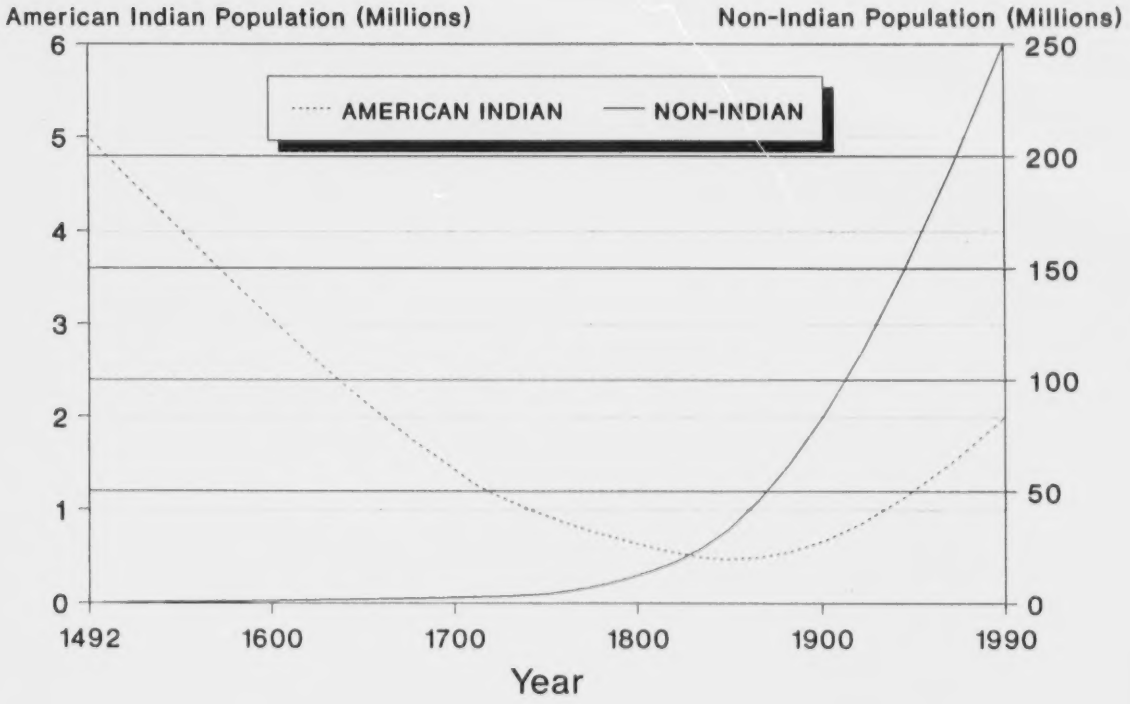
Comparison of Indian and Non-Indian Population Change, 1492-1990*



* Adapted from Russell Thornton. *American Indian Holocaust and Survival: A Population History Since 1492.* (Norman: University of Oklahoma Press, 1987), Figs P-1 and P-2, xvii.

The Marshall Trilogy of Supreme Court Cases Regarding Indians*

1. *Johnson v. McIntosh* (1823)

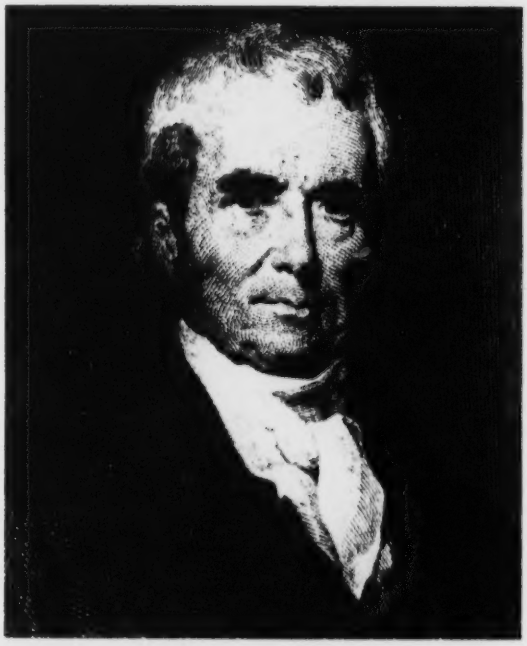
Recognized a landlord-tenant relationship between the federal government and Indian tribes. While recognizing Indian "right of possession," restricted Indians from selling land to anyone other than to the United States.

2. *Cherokee Nation v. State of Georgia* (1831)

Indian tribes are not "foreign nations" but rather, "domestic dependent nations." The relationship of Indian tribes to the federal government is "that of a ward to his guardian."

3. *Worcester v. State of Georgia* (1832)

Indian tribes are "distinct, independent, political communities, retaining their original natural rights, as the undisputed possessors of the soil." State laws "have no force" over the tribes. Treaties between the federal government and Indian tribes are part of "the supreme law of the Land."



***John Marshall** (1755-1835) Chief Justice of U.S., 1801-1835; diplomat, Congressman, Secretary of State under John Adams. Engraved by Asher B. Durand from a painting by Henry Inman. Reproduced from* Dictionary of American Portraits, *published by Dover Publications, Inc., in 1967.*

* Adapted from Felix Cohen, *Handbook of Federal Indian Law* (Charlottesville, VA: Michiel Bobbs-Merrill, 1982).

Fundamental 11

Judicial Canons of Interpretation of Indian Treaties*

Judicial canons or standards of interpreting Indian treaties evolved during and after the treaty-making era of American history. This period lasted from the 1778 treaty with the Delaware Indians until Congress ended treaty making in 1871. The following four canons or principles have emerged from a number of Supreme Court decisions:

1. treaties must be liberally construed to favor Indians;
2. ambiguous expressions in treaties must be resolved in favor of the Indians;
3. treaties must be construed as the Indians would have understood them at the time they were negotiated; and
4. treaty rights legally enforceable against the United States should not be extinguished by mere implication, but rather explicit action must be taken and 'clear and plain' language used to abrogate them.

These standards of dealing with cases involving Indians represent an acknowledgement by the federal judiciary of the unequal bargaining position of the Indians at the time of treaty negotiations. This acknowledgement is based, among other things, on the federal government's employment of interpreters and its superior knowledge of the language in which the negotiations were conducted. Fundamentally, the canons reflect the fact that justices of the U.S. Supreme Court have acknowledged Indians did not bargain with the federal government from a position of equal strength.

* Adapted from Felix Cohen, *Handbook of Federal Indian Law* (Charlottesville, VA: Michiel Bobbs-Merrill, 1982).

An Historical Overview of Chippewa Treaty Rights*

1787 Northwest Ordinance
Act of the Articles of Confederation government which established a policy for organizing and governing the national domain west of the Appalachian Mountains and called for good faith and justice in dealing with the Indians.

1789 U.S. Constitution
Drafted in 1787 after the Northwest Ordinance was adopted, the Constitution ratified in 1789 specifically upheld treaties made with Indian tribes as "the Law of the land." (See Appendix 3 for references to Indians in the Constitution.)

1815 Establishment of Government Factories or Trading Houses at Green Bay and Prairie du Chien
The factory at Green Bay closed in 1821; the one at Prairie du Chien in 1822.

1824 Creation of Bureau of Indian Affairs in the War Department

1825 Treaty of Prairie du Chien
Representatives of various tribes were called together to delineate their land holdings for the United States government. The United States encouraged them to stop inter-tribal warring at the time. The delineation of boundaries was designed to ease tensions and simplify future American efforts in obtaining Indian land cessions. However, due to the dispersement of the Chippewa bands, the Chippewa leaders present at Prairie du Chien requested that the United States government hold a council at some part of Lake Superior to discuss and explain the 1825 Treaty of Prairie du Chien to the Chippewa bands.

1826 Treaty with the Chippewas Signed at Fond du Lac
This treaty resulted from the stipulation of the Chippewa leaders at the 1825 Treaty of Prairie du Chien, calling for a council of the United States government and the Chippewa bands to explain the 1825 Treaty. In the 1826 Treaty the Chippewas accepted the stipulations set forth in the 1825 Treaty of Prairie du Chien and the boundaries of the Chippewa bands as established in the 1825 Treaty.

1827 Treaty with the Chippewas
This treaty, signed at Butte des Morts on the Fox River in the Territory of Michigan, established the border between the Menominees and the Chippewas. This Treaty was referred to in the 1837 and 1842 Treaties setting portions of the boundaries ceded in the later treaties.

1830 Indian Removal Act
After bitter debate in Congress and in the public press, Congress passed legislation enabling the president to exchange lands in the trans-Mississippi West for lands held by Indians east of the River provided it was on a voluntary basis. The use of bribery, deception, and force in removing Indians to the West occurred, in violation of the terms of this Act, as its political opponents in Congress had feared.

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* Adapted from GLIFWC, *Chippewa Treaty Rights* (Odanah, WI: GLIFWC, 1991) and Ronald N. Satz, *Chippewa Treaty Rights* (Madison: Wisconsin Academy of Science, Arts and Letters, 1991).

1831 Cherokee Nation v. Georgia
Chief Justice John Marshall declared that Indian tribes have a "peculiar" relation to the United States. Tribes are "domestic dependent nations" existing within the borders of states of the Union. While the relation of the U.S. to the Cherokees was one of a guardian to its ward, the Cherokees were nevertheless recognized as "a distinct political society" that was "capable of managing its own affairs" with an "unquestionable" right to its lands.

1832 Worcester v. Georgia
Chief Justice Marshall ruled that federal, not state, jurisdiction extends over Indian countries within the borders of a state. He also ruled that treaties with Indian tribes are identical to treaties with foreign nations.

1837 Treaty with the Chippewas
Signed at St. Peters, this was the first of several Chippewa treaties which sold a large tract of land in northern Wisconsin and a smaller tract in central and eastern Minnesota. However, the Chippewa retained their right to hunt, fish, and gather in the ceded territories.

1842 Treaty with the Chippewas
Signed at La Pointe, this treaty ceded additional lands in northern Wisconsin and in the western part of Michigan's Upper Peninsula. With terms comparable to those in the 1837 Treaty, the tribes received payments to trader and half-bloods as well as annuities to be divided between the Mississippi and Lake Superior Chippewa. Again, the Chippewa leaders specifically retained the right to hunt, fish, and gather on the ceded territory.

1848 Wisconsin gains statehood

1849 Transfer of the Bureau of Indian Affairs to the newly created Department of the Interior

1850 Presidential Removal Order
In February of 1850, President Zachary Taylor ordered the Chippewa living in ceded lands to prepare for removal, disregarding a request from Chippewa leaders who had come to Washington D.C. in 1849 to seek reservation lands surrounding their villages, plus their sugar orchards and rice beds. The Chippewas insisted they had no intention of ever leaving Wisconsin and had signed the 1837 Treaty only to accommodate the American desire for pine timber and had signed the 1842 Treaty only to accommodate copper mining interests.

1851 Presidential Removal Order Suspended

1852 Presidential Removal Order Revoked

1854 Treaty with the Chippewas
Signed at La Pointe, this treaty formally abandoned the removal policy by establishing permanent homelands (reservations) for the Chippewa in Wisconsin, Michigan, and Minnesota. Chippewa land in Minnesota was also ceded at this time.

1871 Abolition of Treaty Making
For domestic political reasons, the U.S. Congress outlawed further treaty making but acknowledged the continued validity of all treaties previously made with Indian tribes.

1887 Dawes (General Allotment) Act
The Dawes (General Allotment) Act authorized the president to partition reservations and assign each male Indian resident who was the head of a family an allotment of land or homestead in fee simple.

1924 Indian Citizenship Act
This act of the U.S. Congress granted citizenship to all Indians in the country. The Act passed partially because of the many Indian people who had served during World War I. The Act allowed Indian people to retain tribal membership and identity.

1934 Wheeler-Howard (Indian Reorganization) Act
The policy of the U.S. federal government supporting tribal self-regulation was confirmed through this Act. It established, nationally, a policy of tribal self-government through a tribal governing body, the tribal council, and the ability of those elected governments to manage the affairs of their respective tribes. Formulated largely by Commissioner of Indian Affairs John Collier, this legislation reversed the allotment policy of the Dawes Act of 1887 and encouraged tribal organization. Reservations were provided for "The Lost Bands" — the St. Croix and Mole Lake Chippewas.

1946 Indian Claims Commission Act
Created to hear and settle outstanding disputes of Indian tribes with the federal government, the emphasis of the Commission was on ending the special guardian relationship of the federal government in Indian affairs.

1953 House Concurrent Resolution 108
This resolution began the "Termination Policy" designed to abolish federal wardship over the tribes and to subject Indians to the same laws, responsibilities, and privileges as other U.S. citizens.

1972 Gurnoe v. Wisconsin (Gurnoe Decision)
The Wisconsin Supreme Court decided in favor of the Bad River and Red Cliff tribes that, based on the 1854 Treaty, fishing in the off-reservation waters of Lake Superior was a protected treaty right and that any regulations that the state seeks to enforce against the Chippewas must be reasonable and necessary to prevent a substantial depletion of the fish supply. The state and tribes have successfully negotiated agreements for the treaty commercial fishing activity since the time of the decision.

1973 Indian Self-Determination Act
This Act by the U.S. Congress provided that tribal governments could contract for and administrate federal funds for services previously provided through the federal bureaucracy. It allowed more individual tribal self-determination in both identifying needs and administrating on-reservation programs. It served to bolster and make more meaningful the policy of tribal self-determination.

1974 U.S. v. Washington (Boldt Decision)
This U.S. District Court decision upheld the right of tribes in the Northwest to fish and to manage fisheries under early treaties. The court ruled that the Indians were entitled to an opportunity to equally share in the harvest of fish in their traditional fishing areas, and ruled that the state regulations which go beyond conserving the fishery to affect the time, place, manner, and volume of the off-reservation treaty fishery were illegal. This decision was upheld by the U.S. Circuit Court of Appeals, and the U.S. Supreme Court declined to review the District Court rulings.

1978 Lac Courte Oreilles Band of Lake Superior Chippewa Indians et al v. Voigt et al
Judge James Doyle ruled that Chippewa off-reservation rights had been terminated by the Treaty of 1854 which established reservations.

1983 Lac Courte Oreilles Band of Chippewa Indians v. Wisconsin (Voigt Decision or LCO I)

On January 25, the United States Court of Appeals for the Seventh Circuit ruled that hunting, fishing, and gathering rights were reserved and protected in treaties between the Chippewas and the United States government. Later, the United States Supreme Court refused to hear the appeal of the Voigt Decision by the State of Wisconsin, affirming the ruling of the Seventh Circuit. The three-judge panel of the Seventh Circuit returned the case to District Court to determine the scope of state regulation and the scope of the Chippewa treaty rights.

1985 LCO II

In response to an appeal by the State of Wisconsin, the Seventh Circuit Court of Appeals ruled that Chippewa usufructuary rights survived after the 1854 treaty and that those rights must be interpreted as the Indians understood them in 1837 and 1842.

1987 LCO III

In February, Judge James Doyle ruled on Phase I of the Voigt litigation regarding the scope of the rights. Doyle found that the Chippewa tribes could: (1) use traditional methods and sell the harvest employing modern methods of sale and distribution; (2) exercise the rights on private lands if proven necessary to provide a modest living; and (3) harvest a quantity sufficient to ensure a modest living. Doyle also concluded that the state may impose restrictions which are proven necessary to conserve a particular resource.

1987 LCO IV

On August 21, Judge Barbara Crabb issued an order establishing the legal standards "of the permissible bounds of state regulation" of Chippewa off-reservation usufructuary activities. In the order, Crabb decided that "effective tribal self-regulation . . . precludes concurrent state regulation." Judge Crabb further ruled that the state may regulate "where the regulations are reasonable and necessary to prevent or ameliorate a substantial risk to the public health and safety, and does not discriminate against the Indians."

1988 LCO V

Judge Crabb determined that the Chippewas' "modest living needs cannot be met from the present available harvest even if they were physically capable of harvesting, processing, and gathering it." Thus, 100 percent of the resources in the ceded area were considered available for treaty harvest within limits that require resource conservation.

1989 LCO VI

On March 3, Judge Crabb issued a decision relating to walleye and muskellunge which incorporated parts of both state and tribal plans. The decision required the "Total Allowable Catch" to be replaced by a far more conservative harvest level termed the "Safe Harvest." Previously, walleye were allocated on a lake-by-lake basis with 7 percent of the adult population set aside for tribal quotas, 28 percent for sport harvest, and the remaining 65 percent for maintenance of fish stocks. However, the new Safe Harvest Level instituted a new safety factor to be added to the 65 percent for maintenance of fish stocks, thereby reducing the combined harvest for tribal and sport users alike.

1990 LCO VII

On May 9, Judge Crabb issued a decision on deer hunting and trapping of small game and furbearers. Crabb ruled that the tribes may hunt deer the day after Labor Day until December 31, but that they may not "shine," hunt at night by use of a flashlight. She also ruled that the tribes may hunt on publicly-owned lands that are enrolled in Wisconsin's forest Crop Land and Managed Forest Land Tax Programs. At this time, tribes may not hunt on other privately-owned lands even if the owner

consents. Similarly, the tribes may not place traps on the beds of flowages and streams which are privately owned. As to the apportionment and allocation of deer and other species, Crabb ordered that "all of the harvestable natural resources in the ceded territory are declared to be apportioned equally between the [tribes] and non-Indians." It was unclear if the ruling applied to species other than deer, small game, and furbearers. It was equally unclear to what extent, if any, previous rules on allocation of walleye and muskellunge were overturned or otherwise affected.

1990 LCO VIII

On October 11, Judge Crabb ruled that the Chippewas could not sue the State of Wisconsin for an estimated $300 million in damages for denial of treaty rights over the years because the Eleventh Amendment to the Constitution grants states "sovereign immunity" from lawsuits by Indian tribes.

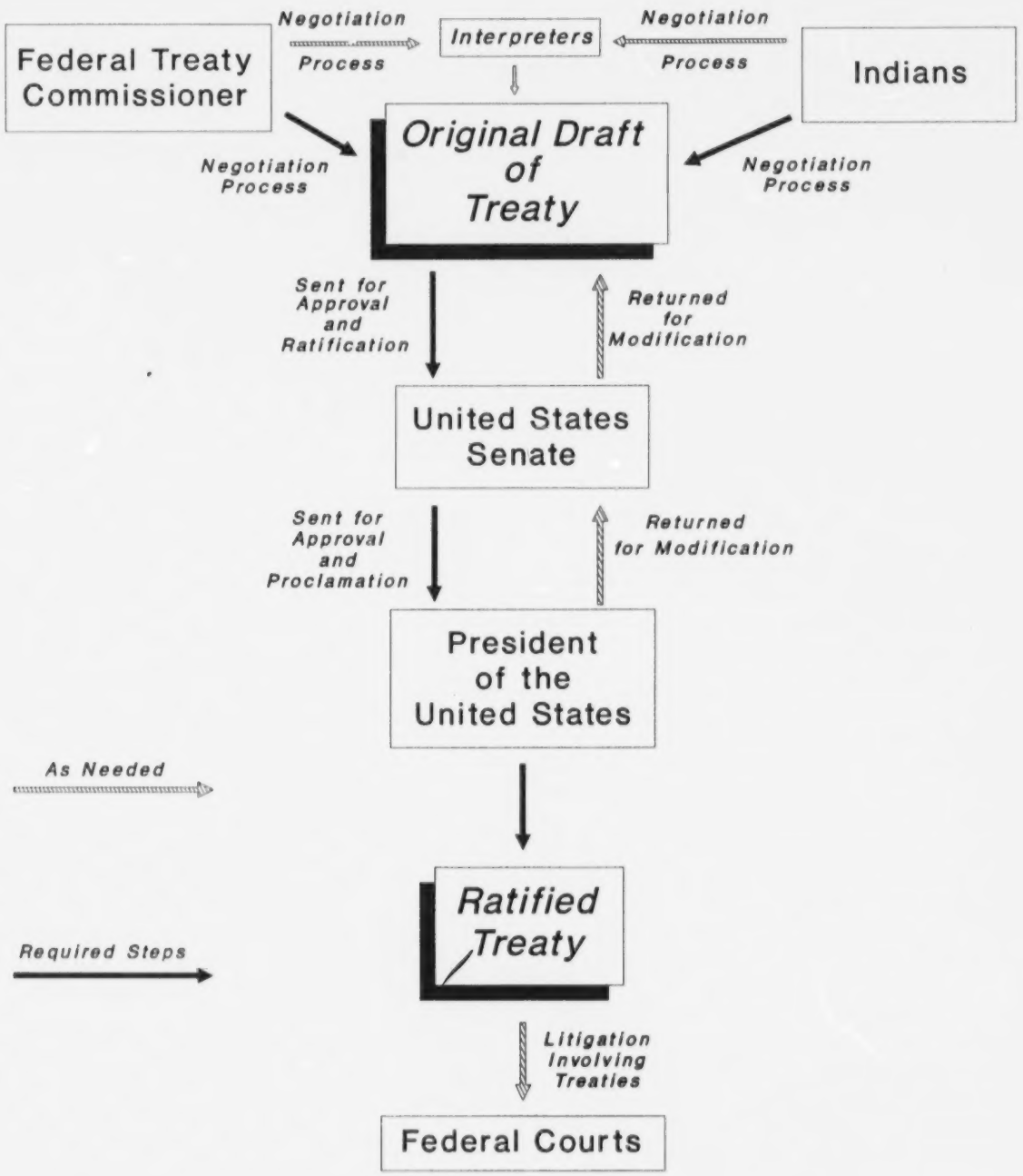
1991 Additional Rulings by Judge Crabb

On February 21, Judge Crabb ruled that commercial harvesting and selling of timber were not treaty rights and that the state could impose its boating and safety regulations on tribal members. In mid-March Judge Crabb prohibited treaty protesters from interfering with the exercise of spearing rights.

1991 Final Judgment

On March 19, Judge Crabb issued her Final Judgment summarizing and clarifying various court decisions in the 17-year-old Chippewa treaty rights litigation (see Fundamental 30). On May 20, the six Chippewa bands and the State of Wisconsin agreed not to appeal this Final Judgment (See Satz, 1991, Appendixes 7 and 8).

A Treaty from Negotiation to Litigation



Blank Treaty

(Insert Title of Treaty)
(Insert Date and Place of Treaty)

Article I:
(insert boundary lines)

Article II:
(insert monetary payment to sellers)

Article III:
(insert non-monetary payments)

Article IV:
(insert rights reserved by sellers)

Article V:
(insert date treaty becomes effective)

List of Signers —
Sellers:

Buyers:

Witnesses:

Journal of the Proceedings of the Council held by Territorial Governor Henry Dodge with the Chippewa Indians, July 1837*

***Henry Dodge**, painting by James Bowman. Iconographic Collection, State Historical Society of Wisconsin.*

***Ojibwa Chief Flat Mouth**, 1855. From Minnesota Historical Society Collections, Vol. 9 (1904). State Historical Society of Wisconsin.*

Negotiations for the *Chippewa Treaty of July 29, 1837*

Proceedings of a Council held by Governor Henry Dodge, with the Chiefs and principal men, of the Chippewa Nation of Indians near Fort Snelling, at the confluence of the St. Peters and Missisippi Rivers, commencing on the 20th day of July 1837.

The Head Men of the nation, having by direction of Governor Dodge, been advised of his desire to meet them in council, their different bands assembled together near Fort Snelling between the first and 20th of July, to the number of upwards of a thousand individuals, men, women, & children, and on the last mentioned day, met the Governor at the Council House.

*Ronald N. Satz, *Chippewa Treaty Rights* (Madison: Wisconsin Academy of Science, Arts and Letters, 1991), appendix 1.

Gen. William R. Smith of Pennsylvania, appointed by the President of the United States, the colleague of Governor Dodge in the commission, did not arrive to be present at the council.

The following named *Chiefs* were present, and recognized as such, by the Governor.

Bands	*Chiefs*
From Leech Lake,	Aish-ke-boge-kozho, or *Flat Mouth* and *The Elder Brother*
" Gull Lake & Swan River	Pa-goona-kee-zhig, or The Hole in the day, and Songa-Komig or, The Strong Ground
" Mille Lac,	Wa-shask-ko-koue, or Rats Liver
" Sandy Lake	Ka-nam-dawa-winro, or Le Brocheux
" Snake River,	Naudin, or The Wind, Sha-go-bai, or The Little Six, Pay-a-jik, & Na-qua-na-bie, or The Feather.
" Fond-du-Lac,	Mang-go-sit, or Loons Foot, and Shing-gobe, or The Spruce
" St. Croix River,	Pe-zhe-ke, or The Buffalo

Ver Planck Van Antwerp of Indiana, appointed by the President, Secretary to the Commission, was also present at the meeting of the Council.

The usual ceremonies for opening a council with the Indians, having been first duly observed, Governor Dodge addressed them as follows: "Chiefs, Head Men, and Wariors of the Chippewa Nation of Indians."

"Your Great Father The President of the United States, has sent me to see you in Council, to propose to you the purchase of a small part of your country *East of the Mississippi River.*

"This country, as I am informed, is not valuable to you for its game, and not suited to the culture of corn, and other Agricultural purposes.

"Your Great Father wishes to purchase your country on the Chippewa and St. Croix Rivers, for the advantage of its Pine Timber, with which it is said to abound.

"A Map of the Country which your Great Father wishes to buy from you, will be shewn you, where on which the Rivers and Water courses are laid down; and such explanations given through your Interpreter, as will fully explain to you, the particular part of your country East of the Missisippi River, which Your Great Father proposes to purchase, for the use of his White Children.

Your Great Father knows you are poor; and this Pine region of Country, is not valuable to you for hunting purposes. His wish is, to make you a full compensation for it, the country, by giving you its full value, payable in such manner, as will be most serviceable to your people.

"An estimate will be made of the probable value of your country which it is proposed to purchase, of which you will be informed. I will request you, after fully deliberating upon the subject, to tell me your price for the country, with as little delay as possible.

"Your Great Father The President was desirous that the Chippewas should be fully represented in this council, that all might know what had been done; and that equal justice should be done to all. I wish you to be prepared with your answer to the proposition made you, at our meeting in Council tomorrow."

Governor Dodge having confided his remarks and intimated his readiness to hear any thing which the Chiefs or principle men might have to say to him, *Aish-ke-boge-kozhe*, (Flat Mouth, or La Guelle Plat) advanced and spoke as follows: "My Father, I

have but little to say to you now. Living in a different part of the country from that which you propose to buy from us, I will be among the last of those who will speak to you upon that subject.

"After those shall have spoken who live in and nearer to that country, I will talk more to you.

"My Father, My people have all the same opinion with me, and will abide by what I say to you. I have come to listen first, to all you have to say to us, and will afterwards speak to you. My heart is with you. I have nothing more to say now.

Naudin (The Wind) then came forward and said "My Father, I once shook hands with our Great Father The President of the United States, as I do with you now. I have not much to say at present; and my brother-in-law who stands near me wishes to speak to you. On tomorrow I expect that some more people will be here from the country that you wish to buy from us. I was present when they began to run the boundary line between our country and that of the Sioux at the "Red Devils Riverss [See Note A]." When you are ready to examine that line I will say more to you."

Pe-zhe-ke (The Buffalo) "My Father. I am taken by surprise by what you have said to us, and will speak but few words to you now. We are waiting for more of our people who are coming from the country which you wish to buy from us.

"We will think of what you have said to us, and when they come, will tell you our minds about it. Men will then be chosen by us, to speak to you. I have nothing more to say now."

Pa-goona-kee-zhig (The Hole in the Day) "My Father, what Aish-ke-boge-ko-zhe (Flat Mouth) & the others who have spoken have told you, is the opinion of us all."

Na-ca-ne-ga-be (The Man that Stands Foremost) "My Father, The people will come from the country where my fathers have lived before me. When they arrive here, they will speak to you. Until then I have nothing more to say."

Governor Dodge, then, after urgently impressing upon the Indians, the great importance and necessity of their remaining quiet among each other and at peace with the Sioux, during the time that they were at St. Peter's attending the Council, adjourned it to meet again at 10 O'Clock Tomorrow Morning.

Friday July 21st 1837

The Governor was advised this morning by Mr. [M. M.] Vineyard their Agent, that the Indians did not wish to meet in council to day, as the people whom they expected, had not yet arrived, and they wanted more time to council among themselves.

Saturday July 22nd

The Morning being cloudy with a threatening appearance of rain, the Council did not meet until 3 O'Clock P. M. when Governor Dodge directed the Interpreter to say to the Indians, that when he had parted with them two days ago, they had told him that they expected to meet more of their friends here, and were desirous before taking any

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[Note A: Red Devils Riverss is the interpretation decided upon after much analysis of the penmanship, context, and historical possibilities in consultation with Richard St. Germaine. It fits the context because an Indian named Red Devil did sign the 1825 treaty to which the speaker here refers. In an earlier transcript of this document (*Iowa News* 1837, 410-11), this phrase was transcribed as Red Deer's Rump, but this has no historical meaning with which I am familiar.]

further steps about what he had spoken to them, of councilling among each other—that he had now met them to hear what they might have to say about their absent friends, and to listen to any communications which they might wish to make to him, in regard to the councils which they had held, or the conclusions resulting from them, at which they had arrived.

After an interval of some 15 or 20 minutes, during which time the Intrepreter by direction of The Governor, repeated the expressions of his readiness to hear any remarks, which the Indians might wish to make to him, *Flat Mouth* advanced and said

"My Father, I shall say but little to you at this time. I am called a Chief. I am not the Chief of the whole nation, but only of my people or tribe. I speak to you now only because I see nobody else ready to do so. I do not wish to take any further steps about what you have proposed to us, until the other people arrive, who have been expected here. They have not yet come; and to do so before their arrival, might be considered an improper interference, and unfair towards them.

"The residence of my band is outside of the country which you wish to buy from us. After the people who live in that country shall have told you their minds, I will speak.

"If the lands which you wish to buy, were occupied by my band, I would immediately have given you my opinion. After listening to the people who we are expecting, and who will speak to you, I will abide by what they say, and say more to you myself.

"My Father, on getting up to speak to you, I hardly knew what to say. If I say no more, it is not because I am afraid or ashamed to speak my mind before my people, & those of the whole nation, and all others present, but because I have nothing more to say."

The Buffalo remarked, that he was quite deaf, and could not hear distinctly what was said; that he had seen the Governors lips move, and turned each ear to him to listen, but could not hear well, his words; that there was another man here, who with himself had the confidence of their people, but that they did not wish to say more until the rest of them who they were expecting, should arrive.

Pay-a-jik "My Father. Your children are not displeased with what you have said to them—but they wish you to give them four times more tobacco than you have yet given them. My Father, what has happened to you? Have you cut off your breasts that you can not suckle your children? If you did so[1], it would render them more pliant and ready to yield to your wishes. This was the case at the the Treaty of Prairie du Chien in 1825. I was there, and know what was done. The boundary line between our country and that of the Sioux, was then established; & my people wish now to have it explained to them. I have been told by the other Chiefs and Wariors to say what I had said to you. I do not say it of my own accord. My people have chosen me and another, to talk with you about the proposition that you have made to them, to buy a part of our country.

"I am ready to proceed whenever the others are ready. Other men of power and authority are behind, and are expected here. They will soon come, when we will give you our answer."

The Wind "My Father"—turning round to the Indians—"I shake by the hand all the people of the different tribes of my nation who are around you,"—and then turning to Governor Dodge—"My Father, What I said to you two days ago, I would say to the President of The United States if I saw him. My forefathers were a great and powerful

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[1] meaning, that if he would give them whiskey

people, which gives me confidence to speak. All your Children here heard what you spoke to them about the lands which you wish to buy from us. I understood that it was the country upon the St. Croix and Chippewa Rivers, and towards the East; and when I slept, I had a dream, and a little bird passed by and told me what was meant.

I will listen to what others have to say, and will then speak my mind to you plainly and fully. My Father I attended a council at Prairie-du-Chien which lasted ten days. Some of those now here, were then present. This will last longer; as it is one of greater importance. It is now late in the day. When the Council meets again we will begin earlier in the morning, that we may have more time to speak."

Rats Liver (Wa-shask-ko-koue) "My Father I have nothing to say to you different from what has been said by those who have already spoken. We are all of the same mind."

Governor Dodge then directed the Intrepeter to ask the Chiefs, whether their people who were here, were troubled by the Sioux; that he had seen the Sioux dancing in their Encampment yesterday, and was glad to witness the friendly feeling, which seemed to exist among them; that he had been informed by the Agent for the Sioux, Major Taliaferro, that he had told them, they must not visit the Chippewa encampment during their stay here, but upon the most friendly terms; & that if the Sioux had given them any trouble he wanted to know it, and wished some one of the Chiefs would now mention it to him.

The Wind replied to the Governor that there was no trouble; that they were all satisfied; that all his children around him both Chippewa and Sioux wished to be friendly together, and wanted to carry on a little trade and bartering among themselves; but that he was directed by his people to tell the Governor that the Soldiers and White people troubled them in their Encampment.

Governor Dodge "I am glad to hear that you are on friendly terms with the Sioux, & hope you will continue to be. I wish you to take each other strong by the hand; and you must conduct yourselves well while you remain here

"I will speak to the officer commanding the Garrison & request him to forbid his soldiers disturbing you for the future. He will prevent it".

The Wind. "My Father, I wish you would give the same advice to the Sioux that you have given us; but do not wish thereby, to prevent them from coming in a friendly way to visit us". And then the Gov. adjourned the Council.

Monday July 24th 1837.
The Council met at 11. O'Clock A. M.

Governor Dodge directed the Interpreter to inform the Indians, that he had just been advised, that four of their friends (Indians) who they had been expecting, had arrived at their encampment; and that fifty others, were said to be near here, who had come from La Pointe with Messrs. [Lyman M.] Warren and [Daniel P.] Bushnell, & who it was believed would arrive here this evening; that as they were all of the same nation, & brethren of each other, he wished those present to consult with them; that he did not wish to hurry their deliberations among themselves, but to give them full time to consult their friends who had arrived, and those who were coming in; & that he would now hear any thing that they might have to say to him upon the subject.

The Wind "My Father, I am very sorry to keep you so long, in a painful state of suspense upon the matter which you have proposed to us. My people are glad to see you, and they are gratified at the proposition which you have made to them. My Fa-

ther, I speak to you now through the lips of "The Buffalo." (the latter had advanced to the Governors table with "The Wind", shaking him by the hand, & remarking that he would do the same with all those present, but his arm was too short—& then stepping back, to allow the latter to speak for him). He has been to see our Great Father the President of the United States, and came back safe. When I look at you it frightens me. I cannot sufficiently estimate your importance, and it confuses me. I have seen a great many Americans, but never one whose appearance struck me as yours does. You have heard of the coming of those, whose absence has prevented our proceeding, in what you have proposed to us. This is the case with all our people here. *My Father.* Listen to what I am going to say to you. I listened to our Great Father the President of the United States, & have never forgotten what he said to me. Others will speak after me, whose language will please you, and set all things right

"My Father. We are a distracted people, and have no regular system of acting together. We cast a firm look on the people who are coming; and all think alike, about this matter. What we are going to say to you, will not dissatisfy—but please you".

Pay-a-jik, "My Father. What I am going to say to you is not my own language, but the words of Chiefs and others around you. They all look at you, who are so different from them You are all white, while they are half red[2]. How can we possibly forget the traders in this matter? You have come to dispense charity to us, and we must think of the traders. I think well of them. They have used me well, and supported me, and I wish to do them justice. We should certainly all be benighted if they did not do for us, what they have done heretofore; & if we do wrong to them, how can we expect it.

"My Father, Look around on all your red children here. The trader has raised them; and it is through his means that they are, as they are; We wish you to do him justice. They will, by this means go on and support us as heretofore. I refered, in commencing to speak, to the half breeds. Many of them have been brought up among us, and we wish to provide for them. We want justice done to them".

Ma-je'-ga-bo. "My Father. I shall not say much to you. You are not a man to be spoken to in a light manner. I am not a Pillager[3], but went among them when small, which gives me the right to speak as one of them. My brother (The Wind) stands beside me, and we are descended from those, who in former days, were the greatest orators of our nation".

"My Father. I am not backward in saying what I wish to. I am not going to do any thing, to make your heart lean; am not going to tell you what will be said by the Chiefs. I will answer you, when you make us an offer for our lands. As soon as our friends arrive, & I hear their decision, I will say all that I have to say. I conclude upon that subject for the present, and will speak upon another.

"My Father. Listen closely to me. I will hide nothing from you that has passed. But for the Traders, you would not [illegible] see all your children sitting around you, as they do, to day. It is not the Chiefs, but the traders who have supported them to the present time. Our Great Father has told us that An Agent would be sent to us—but he has not yet been among us. The Traders are in our country, to trade for the skins of animals, which we take to them. Half of what they bring into the country and sell to

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[2] alluding to the half-breeds

[3] The common name of the Leech Lake Band

your children is lost to them. I am glad to see the Agent here, who is to go into our country, & support our young men, women, & children.

"We wish to do justice to the half breeds, who have been brought up among us, by having them provided for.

Sha-go-bai (The Little Six). "My Father, I heard of you, when I was yet a young man, a long time ago; & now I see you. I am frightened when you look at me. I am startled when the wind comes rustling by; and the thunder cloud, tho' I know it will pass along without harming, alarms me.

"So it is, my father, when you talk to your children around you, of their lands; which you wish to buy from them.

But I have great confidence in the Chiefs who are here, and others who are coming. When they come to treat fully with you, we (pointing to the two men standing beside him, & himself) will sit far off and listen. I spring from the same stock with the people who stand behind you (white men—Sha-go-bai is a half breed) and am related to all the half breeds in the country where I live.

"My Father. Look at the man who is standing near me. His, and my ancestors, were the Chief Men of the Country, that you want to buy from us. The Traders have raised our children, and we like them. I owe my life to the Traders, who have supported us. I am glad to see the Agent here who will live among us, & give us tobacco when we want it".

The Little Buffalo "My Father. Listen to what I am going to say to you. Let it enter deeply into your ear, & upon your heart. Tho' I may appear contemptible in your sight; when I address the wariors of my tribe, they listen to me.

Nobody—no trader—has instructed me what to say to you. Those who have spoken before me, have told you the truth; & I shall speak on the same subject. I have been supported by the Trader; & without his aid, could not get through the winter, with my naked skin. The grounds where your children have to hunt, are as bare as that on which I now stand, & have no game upon them.

"My Father, I am glad to see you here, to embrace the Earth We are at a loss to give anything to the Traders, as our lands and hunting grounds are so destitute—do us a kindness, by paying our old debts. I have nothing more to say. You are our Father, and we look up to, and respect you. I have come here and seen you, and my heart is at peace. I have talked with my wariors & heard their words, & my mind is tranquil".

Flat Mouth, "My Father. Your eyes are upon me, & mine upon you. Wherever I have been, the prints of the white mans hand's have been left upon my own. Yours are not the first that I have shaken. It is I and those men (pointing to The Elder Brother, The Strong Ground and The Hole in the Day) that have brought many of your children here. Their opinions are mine.

"My Ancestors were chiefs of their tribes and villages while they lived; I do not however hold my title from them, but have derived it from my own acts and merits

"My Father. When I came here this morning, I supposed you wanted to talk to us about the lands, you wish to get from us, and not about the Traders.

"After the question about selling the land shall be settled—it will then be time enough to talk about these Traders".

"My Father. I shall not be backward in speaking of what you propose to us at the proper time. Many of my people have told me to say so. But we can do nothing until the other people arrive. We must listen to them. As I have told you before after they shall speak I will say more.

The Hole in the day "My Father. He who is the Master of all hears me speak. I know the Traders, & what has been their conduct. I know which of them are good men, and those who are bad, and act like drunken men. When the other people come I will speak again.

Rats Liver. "My Father I am but little accustomed to speaking, and am generally, one of those who listen. Our Father here (the Agent) knows me, and is acquainted with my character. If I wished to speak much, I should feel no shame for my personal appearance—but this you may not wish to hear.

"We are talking about the land which you have come for—I have tread all over it, with my war club in my hand. My ancestors and those of Pa-goona-kee-zhig (The Hole in the Day) were the Chiefs and protectors of that country, and drove the bad Indians (The Sioux) away from it.

"My Father It is only to you that I look and listen, & not to the bad birds that are flying through the air. My own merit has brought me to the place which I occupy to day; and I do not wish any body to push me forward as a speaker

"I have nothing to add now, but will say more when the business about the land has been settled."

Que-me-shan-shee or *Big Mouth*, "My Father, What I am going to say to you; is of not much consequence. I have smoked with some of my friends & have come to tell you the result. After reflecting upon the subject we came to no definite conclusion—but wish to do like those who have already spoken. We do not wish to do anything to injure the white people. My Father, all that has prevented us from doing what you came here to have us do, is, that we have been waiting for others of our people who we have expected here, and who we are afraid to dissatisfy. I never before have spoken to Americans at any length; and fear My Father, that you will think that I am drunk—but I have here (putting his hand to his breast) a great deal of sense (intelligence) which I have obtained from the white people. As soon the other people come, we will unfold our minds to you.

Sha-we-niq-wa-nabe. _____ "My Father, What I have to say to you, place it strongly to your heart. The Master of life, and The Spirit of the Earth listen to us. The Master of life made the Earth, the grass and the trees that grow upon it, and the animals that roam over it. When the Great spirit made the Earth, he placed the Red Men upon it; & when the Chiefs were put upon it, it became very strong. Some of these chiefs are now here, and others are coming. They do not wish to act precipitately".

Shing-go-be (The Spruce) "My Father, I shall speak but few words to you. It is only I who can tell you the truth about the lands where I live. If you speak of the lands yonder (pointing towards the country proposed to be purchased) I will not talk foolishly about them here, in the midst of so many Indians. Altho' only a child, I speak at once into the middle of a subject, and you shall hear straight about my lands, because I am the Master of them. After you shall have spoken to me further about them, the Master of life will hear me answer you.

"My Father I could speak all day long in a loud tone of voice—but have nothing further to say to you now

Mang-go-sit, (The Loons Foot) "My Father, I do not wish to say much to you. You do not know who I am, & from whence I have sprung. I never speak at any length; but it is not because I can not speak strong. I only wish to tell you now who my Ancestors were. I am the son of Le Brocheux—one of the greatest chiefs of our nation. I have

given my thoughts before to your children who have spoken to you—and I think before I speak.

"My Father, I will speak to you more when you know who I am. When I speak to the Chiefs, I do not speak long, but to the point.

Ma-ge-go-be—after a long speech to the Indians & urging upon them to sell the land; but before doing so, to press upon the Governor to give them presents, and furnish them with more provisions—said

"My Father This is all your children have to say to you now, about the lands. They are going to take a rest, and will then say more to you about them. Listen My Father, to what I have said to your children & what they have answered. What I am going to say to you now is to the purpose. The provisions that you have given us, are not enough for us. We want those of another kind—some of the cattle on the prairie. Our people do not cook properly what you have given them to eat. It has made them sick, and they want you to give them something else that will cure them.

The Wind, "My Father When I saw our Great Father, the President of the United States he gave me sense. Listen to me, & let me tell you the truth. I listen to you, and accede to your purposes. You must not suppose that things will not be as you wish. We are now arrangeing them to your liking. The Station of Chief is a very difficult one to hold, but when I was made one by the President I thought I never should be refused anything that I asked for. It is hard to hear our children crying here for something to eat. When I have heard their cries in the dead of winter, I have put on my belt and started off to look for it. Your look is so firm that I think it would not be possible for you not to do what you wished to. You and I both speak from what the President of the United States has told us. You have plenty of every thing to eat around you, & can give us some of the cattle that are upon the Prairie. At the treaty at Prairie du Chien, the case was as difficult as this. The Great Chief then fed us well and gave us ninety head of cattle.

The Spruce. "My Father, I am not one who has asked for cattle to eat. You have come too far to bring them with you. If you wish to give meat; give it to those who want it—I do not. Continue to give me what you have furnished to us before".

Governor Dodge, then directed the Interpreter to say to them that their father (the Agent) would tell them whether he could get any cattle for them; that he wished to see them again in council early tomorrow morning; that he was glad to hear their friends would be here this evening; that the weather was now good, & they must make up their minds as soon as they could; that he hoped the Chiefs & principal men would see that their people kept on friendly terms, with the Sioux, & if any difficulty occurred inform their Agent; that the Sioux & themselves had met here as friends, & he wanted them to part so—And then Adj^{d}. the Council until tomorrow.

Tuesday, July 25th

Governor Dodge was advised at 10 O'Clock this morning, that seventy Five or Eighty Indians belonging to four or five different Bands, from Lakes, De Flambeau and De Courtereille, and La Pointe &, accompanied by Mr. Bushnell the Sub-Agent and a Mr. Warren a trader from La Pointe, had just arrived. These Gentlemen waited upon Governor Dodge, immediately on their arrival & informed him, that the Indians who had come with them would not be ready or willing to go into council with him to day. At their suggestion therefore, and the solicitation of Mr. Warren, The Governor postponed the meeting of the Council until 9 O'Clock tomorrow morning.

Wednesday July 26th

On meeting in Council this morning, in addition to the Indians who have been present heretofore, a large number of others appeared. The following are the bands, to which they principally belong; and the names of their Chiefs.

Bands	*Chiefs*
From Lake De Flambeau	Na-wa-ghe-wa, or "The Knee". O-ge-ma-ga, or "The Dandy" Pa-se-quam-jis, or "The Commissioner", and Wa-be-ne-me-ke, or "The White Thunder"
" Lake Coutereille	We-non-ga-be or "The Wounded Man", and Ke-wat-se, or The Old Man
" La Pointe (on Lake Superior).	Ghe-bish-ghe-e-kow, or "The Buffalo and Ta-qua-ga-na or "Joining Lodges".

Governor Dodge directed that in the future proceedings in the Treaty, Stephen Bouga, and Patrick Quin, should interpret from the English language into Chippewa, and Scott Campbell and Jean Batiste Dubé, from Chippewa into English.

He then addressed the Indians thus:

"My Children of the Chippewa Nation assembled here.

"I have been informed, that since I last met you, your people, whose absence had prevented the proceeding with our Councils, have arrived here.

"I wish now to learn from you, if this is the case, & whether you are ready to proceed. I have before made a proposition to you—which those then present, have, I presume, communicated to the others who have recently arrived, for the purchase of a portion of your territory. You have defered giving me an answer until your friends should arrive, and as I believe they are now all here, I will renew my proposition to you; and will show you a map, explaining which part of your country it is, that I wish to buy.

"I will now place the map before me, and wish the Chiefs and Principal Men, and particularly those from that part of the country which I wish to purchase, towit: Lakes De Flambeau, and Coutereille, and the Chippewa, St. Croix, & Rum Rivers &c, to come forward and examine it with me, as I direct it to be explained to them. And after this examination, I wish you to inform me whether or not you will sell the country to me.

Ghe-bish-ghe-e-kow, or *"The Buffalo"*, (from La Pointe), replied, "My Father. We have come from a distance, and but lately arrived here, and what you have proposed to us, we want more time to think about. The notice that you have given us is rather too short. Let us wait another day, and tomorrow we will be able to give you our answer".

The Governor, directed it to be said to them, that they could examine the map now & have it explained to them—consult among each other between this & tomorrow morning, & be prepared then, to give him an answer; that he did not wish to hurry them, but that he had already waited patiently for them during several days, and was anxious to bring the business to a close as soon as possible; that he would now be glad to hear any thing from any of the other Chiefs who might wish to speak to him; & that if they desired it, he would remain there until sundown for that purpose.

He then explained the map fully, to the Chiefs and principal men, and repeated to them, that he had been informed, that the country which he wished to get from them, was barren of game, and of little value for Agricultural purposes; but that it abounded in Pine timber, for which, their Great Father the President of the United States wished

to buy it from them, for the use of his white children, & that he would give them a fair price for it; that he wished them to understand the Map, & to enable them to do so, had mentioned & pointed out to them natural boundaries comencing at the mouth of Crow Wing River; thence to Lake St. Croix, thence to the head waters of the Ouisconsin River, & down said river to the Plover portage where the line dividing their Territory from the other Indians comenced; while on the west the tract would be bounded by the Missisippi River; that he wished them to be prepared to morrow morning, to tell him not only, whether or not they would sell him the land, but their price for it; that he wished them all—but more particularly those from that part of the country which he wished to buy, to go home satisfied; so that when they met their people there, they might not be ashamed to tell them what they had done; that so many bands of their nation, & from such remote parts of it, had never before, he believed, met together, & that he wished them now to advise with each other, and unite and act together, as one people; that he wished the Chiefs and Wariors to consult together this evening, and select, out of their number two Chiefs in whom they had confidence to speak for them; that he wished to meet them all in council, but that not more than two of them should speak; that this was done merely to save time, & that they could all consult together, and tell the two speakers what to say to him; that altho' they were of different bands, they belonged to the same great nation, and their interests were in common; that he wished them all to be satisfied with what should be done; that their Great Father The President of the United States would be just towards them, & that they must be just towards each other; that in their consultations he did not wish them to *forget* their Half breed relatives and their traders, but to do them *justice*, also; and that he would be glad now to hear whatever any of the Chiefs might have to say to him".

Pay-a-jik, replied that those of the St. Croix River band who had come in yesterday had chosen him to speak for them, tho' it had always been his custom to sit quiet, and say but little; that he and his friends had talked together, and agreed what to do.

After waiting half an hour or more & none of the other Chiefs or Wariors rising to speak, The Governor again took occasion to urge upon the Indians how important it was that during their stay here, they should keep quiet among each other, and at perfect peace with the Sioux; that for one of them to strike a Sioux, or a Sioux to strike one of them, might be productive of the greatest harm; that he wished to impress this upon those who had lately arrived, as well as the others; and that he hoped his views and wishes were now fully understood by them; that if they were not, as they were now about to part until tomorrow morning, if they would ask him any questions, he would give such further explanations, as might be necessary.

Several of the chiefs came forward to ask some questions in regard to the map, after which seeming to understand, & to be satisfied with it, and having nothing further to say, The Governor adj^{d}. the Council until Tomorrow Morning.

Thursday Morning July 27.th

The Council met at 11. O'Clock A. M. and the map with the boundaries of the country proposed to be purchased, was again fully explained to the Indians; when Govr. Dodge inquired of them, through the Intrepeter, whether they were all satisfied upon that point; whether the bands assembled here, were now, all represented in council, by their Chiefs; whether they had selected speakers to speak for them, as had been suggested to them yesterday—and if so, that they would designate them; & that these speakers would now communicate their sentiments to him.

They answered each of these questions, in the affirmative, & replied that they had chosen *Ma-ghe-ga-bo*[4] or Latrappe, and *Pa-goo-na-kee-zhig* (The Hole-in-The Day) to speak for them on this occasion.

Ma-ghe-ga-bo then came forward in true Indian costume towit; naked, except as to his leggings, breech cloth and flap; his full head of hair hanging loosely upon his shoulders; a sort of crown upon his head, made for the occasion, & filled with feathers of the Bald Eagle, placed there by the chiefs; and the medals of several of the Chiefs hung round his neck. He advanced to the Governors table with his War Flag, and planted it there, & then turned round and addressed the Indians at considerable length. *Pa-goo-na-kee-zhig* followed him in an address to the Indians.

Ma-ghe-ga-bo, then, with the map before him and his finger pointing to it, said to the Governor

"My Father. This is the country which is the home of many of your children. I have covered it with a paper (he had done so) and so soon as I remove that paper, the land shall be yours. But should the Wind blow it off, that shall not make it so. I have listened closely to the words that the Chiefs have told me to say to you.

"My Father, when we first met here, we smoked and shook hands and talked together. Four times we have gone through the same ceremony, and now on the fifth, we have come to give you our answer. I stand here to represent the Chiefs of the different bands of my nation assembled here, & to tell you of their detirmination, to sell to you the lands that you want of them.

"My Father, Listen to me. *Of all the country that we grant you we wish to hold on to a tree where we get our living, & to reserve the streams where we drink the waters that give us life*[5]. I have but few words to say, but they are those of the Chiefs, and very important. What I am now going to say to you, is a kind of history of our Chiefs. The Being that created *us*, made us naked, He created you and your people with knowledge and power to get a living. Not so with us; we had to cover ourselves with moss and rotten wood; & you must be merciful to us. The Chiefs will now show you the tree we want to reserve. This is it (placed an oak sprig upon the Table near the map). It is a different kind of tree from the one you wish to get from us. Every time the leaves fall from it, we will count it as one winter past."

"My Father, In regard to the lands that you have spoken to us about, you have told us what you want, & I answer you in the name of the Chiefs. I am no Chief, but a Warior; & the badge that I wear, is not a mark of my bad conduct, but to make myself respected by my people.

"We have understood you will pay us in goods and money for our lands, and we want to know now, what amount, you will give us for them".

Govr. Dodge—through the Intrepeter—"As the land belongs to them, I want them to say, what they wish me to pay them, for it. If they can not come to a conclusion upon this point among themselves, I would recommend to them, to ask the aid of Their Father's (the Sub Agents, Messrs. Vineyard and Bushnell) to assist them. But if they can determine among themselves, let them do so.

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[4] A War Chief the same who killed Govr. [Robert] Semple

[5] This of course is nonsense—but is given *literally* as rendered by the Intrepeters, who are unfit to act in that capacity. I presume it to mean that the Indians wish to reserve the privilege of hunting & fishing on the lands and making sugar from the Maple

Ma-ghe-ga-bo "My Father. If you offer us money and goods we will take both. You see me count upon my fingers (counting six) Every finger counts ten. For so many years we wish you to secure to us the payment of an anuity. At the end of that time our grand children who will have grown up, can speak to you for themselves.

"We will consult with our Fathers (The Sub-Agents) and ask them what will be the value of the land, and what we ought to ask for it, for sixty years[6]. My Father, Take the lands that you want from us. Our Chiefs have good hearts. Our women have brought the half breeds among us. They are poor, and we wish them to be provided for [illegible]. Some of them are here, and they have left many of their children behind them. We wish to divide with them all. This is the decision of the Chiefs.

"Since we have met here this morning we have fully made up our minds. We have talked it over and over again among ourselves—and we accept your proposition.

"My Father, we will not look back at what has transpired heretofore, but will commence our business anew with you, from this day[7]. What you propose to give us, we wish to share only with the half breeds, that our people may enjoy the benefit of it. We will hold firmly in our Arms what you give us, that no body may get it from us".

"My Father. We once more recomend our half breeds to your kindness. They are very numerous. We wish you to select a place for them on this River, where they may live and raise their children, and have their joys of life. If I have rightly understood you, we can remain on the lands and hunt there. We have heretofore got our living on them. We hope that your people will not act towards ours, as your forefathers did towards our own—but that you will always treat us kindly, as you do now.

"My Father. We understand you, that you have been told our country is not good to cultivate. It is false. There is no better soil to cultivate than it, until you get up, to where the Pine region commences.

"My Father. You will now see All your Children in whose behalf I speak. All the Chiefs who agree to selling you the land will now rise" [They did so to the number of Thirty, and upwards]

Ma-ghe-ga-bo then raised the paper that he had placed over the Map, took Governor Dodge by the hand and continued

"My Father, I will not let go your hand 'till I count the number of our villages. The Great Spirit first made the Earth thin, but now it is much heavier[8]. We do not wish to disappoint you and our Great Father (The President of The United States) in the object you had in coming here. We therefore grant you the country, which you want from us; and your Children, the Chiefs that represent all the villages within its limits, are now present. The number of villages (Nineteen) is marked on this paper, and I present it to you in acknowledgement that we grant you the land. This piece (retaining in his hand another piece of paper,) we will keep, because we wish to say something more, on it. At the Conclusion of this Treaty you will ask us to touch the quill[9]; but no doubt you will grant what we ask, before we do so. At the End of the Treaty, I will respect what the Chiefs have to say to you, & keep this paper for that purpose. My Father The Great

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[6] What anuity

[7] forgetting what has been *said before*, and alluding to the *Traders*

[8] meaning, it was of little value,—but has now become much more so.

[9] sign the Treaty

Spirit has given us a clear sky to talk together today. We must now rest awhile, and when we meet again, we will speak further".

Governor Dodge. "Do you wish to give me your answer this evening, or to wait until tomorrow morning".

Answer. "Tomorrow morning, and we will consult this evening with our two Fathers (Messrs Vineyard & Bushnell)

Governor Dodge. "It is proper for me to explain to you that your Great Father, never buys land for a term of years. I will agree on the part of the President, that you shall have the free use of the rivers, and the privilege of hunting upon the lands you are to sell to the United States, during his pleasure. If you sell these lands, you must sell them as all the other nations of Indians have done; & I tell you this now, that you may not, hereafter say I have deceived you. Your Great Father has sent me to treat you as his children; to pay you the value of your land; & not to deceive you in any thing I may do with you, or say to you. If you had determined upon asking the assistance of your two Fathers (The Sub-Agents) of arriving at a conclusion in regard to the value of your lands, it is my wish, as well as that of your Great Father at Washington, that they shall do you justice. You have spoken frequently of your half breed relations. It is a good principle in you, to wish to provide for them. But you must do so in money, and can not give them land. You have mentioned your wishes to receive one half of the consideration that I may agree to give you for your lands, in goods, & the other half in money.

I do not object to this, but have a proposition to make to you now, which I wish you to consider. Your Great Father recomends to you, that you take from year to year the following items in part payment for your lands, towit: certain sums of money, to provide for Teachers to educate your children, & make them wise like those of the white people; for Farmers, and Instructors in Agricultural pursuits; for Agricultural implements, and seeds to plant in the Earth; for Provisions, and salt; for tobacco; for Blacksmiths, Iron and Steele &c; and for Mills and Millers to grind your corn, and other grain that you may raise. You will determine, whether you will accede to this proposition, and after consulting with your Fathers (The Sub-Agents) let me know what amount you wish me to pay you, for your lands; and I will be glad to meet you in council at an early hour tomorrow Morning".

The Governor then Adj^{d}. the Council.

Friday Morning July 28th

The Council met at 12 O'Clock N.

Governor Dodge said to the Indians "My Friends, I have met you in council this morning to hear your answer to the proposition I made to you yesterday. I now wish to know if you have made up your minds; and who will speak for you to day. I am ready to hear you"

Aish-ke-bo-gi-ko-zhe (Flat Mouth) with many of the Chiefs came forward, and all shook hands with the Governor, the Secretary, & the Agents; after which *Flat Mouth* spoke thus—

"My Father. What I am going to say, is not the expression of my own will, but that of the Chiefs present. I did not know when I started to come here this morning, that they wished me to speak for them; but I have learned their wishes, since I came here.

It is hard for me to say—but it is the wish of the Chiefs, that I should speak to you; & they have appointed me to do so."

"My Father. Your children are willing to let you have their lands, but they wish to reserve the privilege of making sugar from the trees, and getting their living from the Lakes and Rivers, as they have done heretofore, and of remaining in this Country. It is hard to give up the lands. They will remain, and can not be destroyed—but you may cut down the Trees, and others will grow up. You know we can not live, deprived of our Lakes and Rivers; There is some game on the lands yet; & for that reason also, we wish to remain upon them, to get a living. Sometimes we scrape the Trees and eat of the bark. The Great Spirit above, made the Earth, and causes it to produce, which enables us to live.

"My Father. We would have detirmined long ago to let you have these lands; but when we have agreed upon any point, there have been people to whisper in our ears, and trouble and distract us. What the Chiefs said yesterday they abide by. They can not look back and change.

"My Father. The Great Spirit above, placed us on this land; and we want some benefit from the sale of it. If we could derive none, we would not sell it; and we want that benefit ourselves. I did not intend to speak. What I say is the language of the Chiefs. They came to me, and asked me to speak for them. I will soon be through. I was not in council yesterday because I was not well. I have heard many things said—That we were going to put out the fires of the white people in our country, that we were going to send the Traders out of it, & so forth. But I know nothing of it; and when I speak it is not with sugar in my mouth.

"My Father. Your Children are rejoiced to day to see the Agents here, one of whom is to live on Lake Superior, and the other on the Missisippi, to keep peace in the country. We are pleased too that our Agents are here, that they may estimate the value of our lands, that our Young men, women, & children, may go home, with their hearts at ease. We will wait to hear what you offer to give us for the lands, & will then make you our answer.

We will depend upon our two Fathers (Agents) to interest themselves for us; and will submit it to them, whether, what you offer us is enough. Yesterday when I came down after the Council, to see you, & told you I was going home, you asked me to wait; but I did not then know that I should be asked to speak to day—and I never wish to hide any thing, when I do so".

"This is all I have to say now; but I may have omitted something—and some one else may wish to speak to you. Wait a few moments, to afford them an opportunity to do this; & then we will wait for your offer. I have spoken my sentiments openly to the Americans now here, as I would do to all of them, and to the English, the French, and the people of all other nations.

"My Father. The reason of my telling you yesterday that I was going home, arose from the many reports going back & forth, which I was tired of hearing—and not from any desire to mortify your feelings, or out of disrespect to you. I now give way, as some of your other Children may wish to speak to you".

After an interval of a few minutes *Flat Mouth* again advanced, and said

"My Father. I came forward again to speak to you. There are many of your children here from a distance, and among them, one of my relations, who I have just seen. They wish me to speak to you, for them. Three of them, are Chiefs from the Chippewa River; & what they say, is the opinion & wish of the people living there. So, they tell me, to say to you. They have granted a privilege to some men, of cutting timber on some of

their lands; for which they are paid in Tobacco, & ammunition, for hunting. They wish you not to break their word with these people—but to allow them to continue to cut Timber. They have granted you all you asked of them—& they wish you now to grant their request".

Governor Dodge "My Friends. I have listened with great attention, to your Chief, from Leech Lake. I will make known to your Great Father, your request to be permitted to make sugar, on the lands; and you will be allowed, during his pleasure, to hunt and fish on them. It will probably be many years, before your Great Father will want all these lands for the use of his white Children. As you have asked me what I will give you for the country, I will now tell you; & will recommend to you, the manner in which I think it ought to be paid to you. In full consideration for that part of your country which I wish to buy from you, I offer you the sum of Eight hundred Thousand Dollars ($800,000). I propose to give you an annuity for Twenty years, of $20,000 (Twenty thousand dollars) a year, in goods and money, one half in each—or all in goods, if you choose; To apply $3000 dollars a year for the same length of time, for providing you with Three Blacksmiths with their shops & implements, of labor, to be placed at different points in your country—for Provisions and Cattle $4000 dolls a year—for building Mills, and paying Millers to attend them 2000 dollars a year—For Agricultural Implements—hoes, ploughs &c & Farmers to teach you how to cultivate your lands 1000 dolls a year—for schools, in which your Children may be taught to read and write like the whites, 1000 a year—& for Tobacco 500 dolls a year for 20 years.

"These are the provisions I propose to make for you. The matter will be submitted to your Fathers (The Sub-Agents) who you have chosen, to consult with, in regard to it. As you have spoken of your half breed relatives, I wish each band of your nation assembled here, to name to me, all the half breeds connected with it; and I will recommend to you, as an act of benevolence, to donate to them, the sum of $100,000. I will also recomend that you pay your creditors, such amounts, as, upon examination, may be found justly due to them—& that the sum of $70,000 be applied to that purpose. These different sums will make up the amount of 800,000 dolls. This paper will now be submitted to your Agents for their consideration, & if you detirmine that your Creditors shall be paid, you had better let them take their accounts also, and let them be settled up to this date.

Aish-ke-bo-ge-ko-zhe (Flat Mouth) "My Father, I rise once more to speak to you. We have listened to what you have said to us, & I am requested by the Chiefs to reply. You have mentioned the different sums you will pay us, and have spoken of our creditors. My Father, I wish the lands we are selling to day were mine! If the accounts of the Traders ought to be paid, why will not our Great Father help us to do it? Many of those of our people who owed them, are perhaps long since dead. Your children are rejoiced at the amounts which you have mentioned you would pay them; But wish you to appropriate the sums, that you have proposed to apply for them in *Cattle* and *schools*, to the purchase of goods also.

"My Father. Your Children wish that all the different sums be paid to *themselves*, and they will hold closely onto them. As to the payments to the Traders, we will look to our Great Father for his assistance. My Father. If it was my land you was buying, I would, instead of an annuity for only 20 years—demand one from you, as long as the ground lasted. You know that without the lands, and the Rivers & Lakes, we could not live. We hunt, and make Sugar, & dig roots upon the former, while we fish, and obtain Rice, and drink from the latter

"My Father. Those in whose behalf I speak, wish you to supply them with goods also, instead of the *Mills*, that you have proposed to provide for them. They now understand the different sums as you have set them apart".

Governor Dodge. "I only make the recomendation to you, in regards to your half breed relatives, and The Traders, as an act of kindness to the former, and of justice to the latter. But it is for you to say how it shall be. The whole amount, including the 100,000 dollars proposed to be given to the half breeds, & the 70,000 to be paid to the Traders, will be yours, to dispose of, as you shall direct, on consulting among each other—& with your Agents.

Flat Mouth. "My Father. Had I known that such matters would occur as have take place here, I should never have come. If I had thought that these old accounts were to be brought up against us, I would have stayed away.

"My Father. Where are our young men, that have hunted for these Traders—and supplied them with their Furs? They have, when upon their hunting excursions for them, been killed off by the Sioux—and swept away. Where have they got the Fish that they have eaten, and the wood that they have burned? They were caught from our Lakes, & Rivers, and taken from our Land—And they talk to us about paying them our debts!

"My Father. If I were to repeat all that has occurred for many years back, since the Traders have been among us, I should have a long story to tell. What I now say to you, expresses the wishes and sentiments of my friends and relations, who are here. The lands to be sold are not mine. I have no claim to them. I live here like a beggar on charity. They divide with me, what they have to eat.

"My Father. I never look back, and will hold to what I have said to you.

Govr. Dodge. "My Friends If you have nothing further to say now, we will adjourn to meet again early tomorrow, when I shall be fully prepared, & I wish you to be so, to finish our business—And then the Govr. Adj^{d}. the Council.

Saturday Morning July 29th

The Council met at 12 O'Clock N.

Govr. Dodge said to the Indians

"My Friends. When the council adjourned yesterday you had selected your two Fathers (The Sub-Agents) to examine for you into the amount, which I have offered to give you for your country, and the manner of its payment. I have confered with these two gentlemen, and they agree that the amount offered is a fair price for the lands, and approve of the arrangement which I propose in relation to the payments.

"There is one subject which it is necessary for you now to detirmine upon. It is, whether you will make any donation to your half breed relatives; & if so, how it shall be paid to them.

"I submit that matter to you for your consideration, and will wait until you decide upon it".

The Chiefs sat down to council together, and a few minutes there-after, a large number of Braves, or Wariors, approached the council Lodge, singing and dancing, with their war flag flying, & in their war costume—but without arms. They were accompa-

nied by two or three chiefs, and on entering the Council[10], *Sha-go-bai* (The Little Six) advanced to Governor Dodge and spoke thus.

"My Father. I address myself to you, and wish you to repeat my words to our Great Father at Washington.

"We are the Braves of our different bands assembled here, and we wish to say something to you. It is your desire, as we have understood you, and from our fathers here (the Sub-Agents) that the people here should all go home satisfied. The Braves of the different bands have smoked and talked together. You now see them all before you. They have not come here to undo what our Chiefs have done—but to ask a favor of you. They take you by the hand, and would like to see your wish accomplished, that all should return home in peace. But they are afraid to return home, if their traders are not paid. They fear they should not survive during the winter without their aid. It is the wish of the Braves that you should pay the Traders; but they do not want to undo what the Chiefs have done.

"My Father. You see your children that are here. They are many. But they are only a small portion of their whole nation.

"They wish you to give them something more, than you have offered them for their lands. They think it is not quite enough. You have established two agencies, one here, and the other at the Sault de St. Mary. It is now more than Twenty years since you have assisted your children at these places. But those now before you, have never gone to either of them to beg. My Father. You come now to buy our lands from us; & why do you offer us so little for them. The speaker who told you that we ought ought to be paid for them for sixty years, expressed our opinions. This is the wish of all the Braves here. If you will accede to what has been mentioned in regard to the Traders, they will come forward and "touch the pen" (sign the Treaty). We have told you what we want, and after hearing what is to be granted to us, we will go, & prepare to return home.

"My Father. What I have spoken to you, is the wish of the Braves before you. If you agree to what they propose they will be ready to take you by the hand and close the bargain. If not, they will retire and go home peaceably. They will now wait your answer".

Governor Dodge, to Shag-o-bai. "Would the sum of Seventy Thousand Dollars, applied to paying all the demands of the Traders against you, satisfy you all"?

Shag-o-ba, after consulting with the Braves, and several of the Chiefs, answered that it would satisfy them.

Governor Dodge to the Intrepeter "Say to the Chiefs that I have listened to the words of the Braves, and it is to them (the Chiefs) that I now speak. It is the wish of the Braves it appears, that their Traders should be paid. The sum of 70,000 dollars, it is believed will cover all their just demands; & they ask that that amount shall be paid to them. I want them to be satisfied. I wish *all* to be satisfied, that they may take each other strongly by the hand. To reconcile all, I will agree to pay the seventy Thousand Dollars, in addition to what I have already offered them for their lands—and that is all I will give them. I want now to hear what they have to say upon that subject".

The Hole-in-The Day—evidently under high excitement first addressing himself to the Chiefs said! "Chiefs what we agreed and determined upon yesterday; shall consent to undo, when my head is severed from my body and my life no more—We must abide by it, firmly".

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[10] Sha-go-bai is a petty chief, and placed himself at the head of the Braves as a peace maker; to conciliate both them and the Chiefs

"Braves! There are many of you—but none of you have done what I have—nor are any of you my equals!!—Our Father wishes us to go home in peace." Then turning 'round and addressing the Governor, he proceeded.

"My Father, Listen to me—my words shall be few. What the braves have come and told you must be true, & should be listened to. The Great Spirit who placed us on this Earth hears both you and me. He put us upon it to live. Yesterday in council The Chiefs told you what they would do. They are perfectly content with that arrangement, & they abide by it to day.

"Death alone shall prevent the fulfilment of it on my part; And I call the Great Being to witness what I say. We agree to what has just been done, & are satisfied with it"

"My Father. The country that we are selling to you is not land that we have borrowed, but that has descended to us from our forefather. The Chiefs now before you are the descendants of those who occupied it many years ago; and some of them live upon the lands we are selling you. They are now all satisfied with what you proposed to them, to day as well yesterday—and the Great Spirit hears it".

Governor Dodge "Chiefs and Braves, I am much pleased to hear that you are all satisfied. You are brethren of the same great Nation. I met you at peace, and want you to be so, when I part from you. I hope the most friendly understanding will continue to exist between the Chiefs and Braves, as well as between them both and their Traders.

"It is the duty of the Braves to be obedient to their Chiefs (applause from the Indians). They should listen to them in peace, and obey them in War. Both Chiefs & Braves should respect the Traders and treat them justly and kindly, that harmony and good feeling may exist among you all; & that you may be serviceable to each other."

Sha-go-ba (The Little Six) "My Father, Your children have listened to you. You have done what is good for us. We know you came here to do what was right, and to keep peace. It is our duty to encourage others to be upright and act justly. I speak to you the sentiments of both the chiefs and the Braves.

"My Father Listen now to what they have told me to say to you. It has reference to one of our traders. You came here to do good, and allay bad feelings. I came here this morning with my Braves, and asked a favor for the Traders, which has been granted. Let them now give us, our friend who they have in Jail[11]. (a loud response of assent from the Indians)

Governor Dodge, to the Intrepeter, "Say to them that their friend is in the hands of our Laws, and of the Great Father The President of the United States—That neither I or the Traders have any power over him—That he will be judged by the Laws, & his case then submitted to the President, who will do him justice.

Shag-o-bai "My Father, I speak to you again at the request of the Chiefs and Braves. We do not know whether you have a control over all the Traders; but we wish you to aid us, by speaking to them in our favor, as you have done to us, in theirs. There are some of them who have dealt severely with us".

Governor Dodge. "It is my duty in the relation in which I stand to you, to see justice done to you, and so far as it is in my power, I will do it in all things.

I hope the Traders will have a proper respect for your rights & that you will respect those of the Traders. We are now done with that subject, & I wish to know your decision with regard to the half breeds.

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[11] A son of one of the Traders was killed a short time since by an Indian, who is now in confinement at Prarie-du-Chien awaiting his trial

Son-ga-ko-mik (The Strong Ground. "My Father. We are now bringing to a close what we have been so long talking about. In regard to the Half Breeds you will be answered by some other Chief. I speak upon another subject. Look at your Children My Father, & notice their clothing. At the end of the year we wish you to bring such articles for us. We do not know the value or use of money, & don't want it. See our women too, & the Articles they wear, & bring such for them. Kettles are very useful to our people and you must not forget them. With guns we get our living, & them you must remember".

It was intimated by some of the other Chiefs that they would prefer to receive, a part of their annuity in money.

Pe-The-ke (The Buffalo from La Pointe) "My Father, you have come here and got all your children together as if you wished to embrace and treat them kindly. We approve of what was said and done yesterday, in regard to the half breeds. I am an Indian and do not know the value of money, but the half breeds do, for which reason we wish you to pay them their share in money. You have good judgment in whatever you do, and if you do not act yourself, you will appoint some one else to dividide it between the half breeds.

"We wish you to do this; for if they were to divide it themselves they might cheat each other. But if you appoint some one to do it, it will be fairly done. It will be as you please. You will either direct it to be done by our two fathers (the sub-agents) or whoever else you may choose. I have good reasons for saying to you, what I have just said; for at a certain Treaty held heretofore, there were some got rich, while others received nothing".

Governor Dodge. "My Friends What you have said shall be considered; and your wishes attended to. It will now take some two or three hours to prepare the Treaty & have copies made of it, when I wish you to meet me here again, will read it by articles, so that every word may be clearly conveyed and understood by you. Three copies of the Treaty are prepared, of which one will be sent to your Great Father The President of the United States, for him to keep, one delivered to yourselves, and the other kept by me".

The Secretary then read The Treaty in the following words:

"Articles of a Treaty made and concluded at St. Peters (the confluence of the St. Peters and Missisippi Rivers) in the Territory of Wisconsin, between the United States of America, by their Comissioner Henry Dodge, Governor of said Territory, and The Chippewa Nation of Indians, by their Chiefs and Head Men."

"Article 1. The Chippewa Nation cede to the United States all that Tract of country included within the following boundaries: Beginning at the junction of the Crow Wing and Missisippi Rivers betwenty and Thirty miles above where the Missisippi is crossed by the Forty Sixth parallel of North Latitude, and running thence to the North point of Lake St. Croix one of the sources of the St. Croix River; thence to and along the dividing Ridge between the Waters of Lake Superior & those of the Missisippi to the sourcess of the Ocha, Sua Sepe, a tributary of the Chippewa River; thence to a point on the Chippewa River Twenty miles below the out-let of Lake De Flambeau; thence to the junction of the Wisconsin and the Pelican Rivers; thence on an East course Twenty Five Miles; thence Southerly, on a course parallel with that of the Wisconsin River, to the line dividing the Territories of the Chippewas and Menomines; thence to the Plover Portage; thence along the southern boundary of the Chippewa Country, to the comencement of the boundary line dividing it from that of the Sioux half a days march below the Falls on the Chippewa River; thence with said boundary line to the mouth of Wah-

tap River at its junction with the Missisippi; & thence up the Missisippi to the place of beginning."

"Article 2. In consideration of the cession aforesaid the United States agree to make to the Chippewa Nation annually for the term of Twenty years, from the date of the ratification of this Treaty, the following payments. 1. Nine Thousand Five Hundred Dollars to be paid in Money.

2. Nineteen thousand dollars, to be delivered in goods.

3. Three Thousand dollars for establishing three Black Smiths shops, supporting the Black Smiths, & furnishing them with Iron and Steel. 4. One Thousand Dollars for Farmers, and for supplying them and the Indians, with Implements of labor, with grain or seed; & whatever else may be necessary to enable them to carry on their Agricultural pursuits."

5. "Two Thousand Dollars in Provisions."

6. "Five Hundred Dollars in Tobacco."

"The Provisions and Tobacco to be delivered at the same time with the goods and money to be paid, which time or times, as well as the place or places where they are to be delivered, shall be fixed upon under the direction of the President of the United States."

"The Black Smiths Shops to be placed at such points in the Chippewa Country as shall be designated by the Superintendant of Indian Affairs, or under his direction.

"If at the expiration of one or more years, the Indians should prefer to receive goods, instead of the Nine Thousand Dollars, agreed to paid to them in money, they shall be at liberty to do so. Or, should they conclude to appropriate a portion of that Annuity to the establishment of a school, or schools among them, this shall be granted them".

Article 3. The Sum of One hundred thousand dollars shall be paid by the United States to the Half Breeds of the Chippewa Nation under the direction of the President. It is the wish of the Indians that their two Sub-Agents Daniel P. Bushnell and Miles M. Vineyard superintend the distribution of this money among their half breed relations":

Article 4. The sum of Seventy Thousand Dollars shall be applied to the payment, by the United States of certain claims against the Indians; of which amount Twenty Eight Thousand Dollars shall at their request be paid to William A. Ailkin; Twenty Five Thousand to Lyman M. Warren, & the ballance applied to the liquidation of other just demands against them—which they acknowledge to be the case with regard to that presented by Hercules L. Dousman, & they request that it be paid"

Article 5. The privilege of hunting, fishing, & gathering the wild rice, upon the Lands, The Rivers and The Lakes included in the territory ceded, is guarantied to the Indians, during the pleasure of the President of the United States.

Article 6. This Treaty shall be obligatory from and after its ratification by the President and Senate of the United States"

"Done at St. Peters in the Territory of Wisconsin the Twenty Ninth day of July, Eighteen hundred and Thirty seven."

The Treaty was then signed by Governor Dodge (and great eagerness was evinced by the Indians to see him do so—some of them declining to sign it, until he had, to satisfy them, run the pen a second time over his name) when it received the signatures of between Forty and Fifty of The Chiefs, Head Men, & Wariors present, with the names of some Twenty witnesses appended, and was concluded.

The Indians having declined to name a Chief to whom their copy of the Treaty should be delivered for safe keeping, Governor Dodge addressed them as follows:

"Chiefs and Wariors: I have asked you to name one of the number of your Chiefs, who should take your copy of the Treaty which we have just signed, & keep it safely as a sacred instrument. You decline to do so, & it becomes necessary and proper, for me to name one. I will hand it to the man who was the first among you to give it his signature*. Note [*Many of the other and older Chiefs, evincing a reluctance, & hesitating to step forward, Pa-goona-kee-zhig, or The Hole in The Day, did so promptly, with his characteristic intrepidity, offered his signature to the Treaty.] He is to keep it for all your people to look at, and know what it is; and each of your Agents will be supplied also with copies.

"My Friends I regret that on parting with you after our long conference, I have not Medals to give to all of your Chiefs, and Flags to all of your Bands. Your conduct on this occasion, marked throughout by the utmost decorum propiety, and good sense, well merits something of the kind. But you shall have them when your first annuity is paid to you. These Medals & Flags have to come from your Great Father at Washington.

"I will see him soon, and he will furnish me with them for you. I am very sorry too, that I have not more presents to make you. All the ammunition that I have is 10 Kegs of Powder; and 900 lbs. of Lead to be given to the Chiefs, to distribute among the Braves & Wariors of the different Bands. The small amount of goods, which I have, will be fairly distributed through the different Bands, & I wish there were many more of them. Supplies of provisions to take you home, will be immediately procured, and apportioned equitably among you by your Agents. I will remain here a day or two longer, to see that all that can be done for you now, is properly arranged.

"We are now about to part my friends, and it may be some time before we meet again. I expect however to make an excursion through your country next summer when I hope I shall meet many of you. I will recomend you to your Great Father the President, as a good people, who deserve the confidence and friendship of Our Government. And although you are far away from him, and scattered over a great extent of country, he will often think of you, and never forget you. I trust you will now return peaceably to your homes, and not shed the blood of any man. I hope to hear that you have made no attack upon others, unless first attacked yourselves, & in self defence. I repeat to you, that if any of the Sioux strike you, or you them, the blow will fall upon me and your Great Father the President, at the same time. They have been told not to molest you, and you have shaken hands with them in friendship.

"I trust that on parting from each other, you will strengthen the grasp, and let it be a pledge of perpetual peace among you.

"Your Great Father will see the Sioux, in a short time, at Washington, & will tell them, from his own mouth, that they must live in peace. He is determined that the hands of his Red Children shall no longer be stained with the blood of each other.

"I recommend to you, to listen closely to the words, and to be governed in your conduct by the advice, of your two Fathers (The (Sub Agents). They have been selected by your Great Father to be your friends, & I know they will tell you the truth, & advise you for your own good.

"The Treaty which we have now made will bring us oftener together hereafter, and I hope always, as friends"—And then the Governor adj^{d}. the Council *Sine Die*.

Treaty with the Chippewa, July 29, 1837*

TREATY WITH THE CHIPPEWA, 1837.

July 29, 1837.
7 Stat., 536.
Proclamation, June 15, 1838.

Articles of a treaty made and concluded at St. Peters (the confluence of the St. Peters and Mississippi rivers) in the Territory of Wisconsin, between the United States of America, by their commissioner, Henry Dodge, Governor of said Territory, and the Chippewa nation of Indians, by their chiefs and headmen.

Land ceded to the United States.

ARTICLE 1. The said Chippewa nation cede to the United States all that tract of country included within the following boundaries:

Boundaries.

Beginning at the junction of the Crow Wing and Mississippi rivers, between twenty and thirty miles above where the Mississippi is crossed by the forty-sixth parallel of north latitude, and running thence to the north point of Lake St. Croix, one of the sources of the St. Croix river; thence to and along the dividing ridge between the waters of Lake Superior and those of the Mississippi, to the sources of the Ocha-sua-sepe a tributary of the Chippewa river; thence to a point on the Chippewa river, twenty miles below the outlet of Lake De Flambeau; thence to the junction of the Wisconsin and Pelican rivers; thence on an east course twenty-five miles; thence southerly, on a course parallel with that of the Wisconsin river, to the line dividing the territories of the Chippewas and Menomonies; thence to the Plover Portage; thence along the southern boundary of the Chippewa country, to the commencement of the boundary line dividing it from that of the Sioux, half a days march below the falls on the Chippewa river; thence with said boundary line to the mouth of Wah-tap river, at its junction with the Mississippi; and thence up the Mississippi to the place of beginning.

United States to make the following payments annually for twenty years.

ARTICLE 2. In consideration of the cession aforesaid, the United States agree to make to the Chippewa nation, annually, for the term of twenty years, from the date of the ratification of this treaty, the following payments.

1. Nine thousand five hundred dollars, to be paid in money.
2. Nineteen thousand dollars, to be delivered in goods.
3. Three thousand dollars for establishing three blacksmiths shops, supporting the blacksmiths, and furnishing them with iron and steel.
4. One thousand dollars for farmers, and for supplying them and the Indians, with implements of labor, with grain or seed; and whatever else may be necessary to enable them to carry on their agricultural pursuits.
5. Two thousand dollars in provisions.
6. Five hundred dollars in tobacco.

The provisions and tobacco to be delivered at the same time with the goods, and the money to be paid; which time or times, as well as the place

* Charles Kappler, Vol. 2 of *Indian Affairs: Laws and Treaties* (Washington, DC: Government Printing Office, 1904), pp. 491-493.

or places where they are to be delivered, shall be fixed upon under the direction of the President of the United States.

The blacksmiths shops to be placed at such points in the Chippewa country as shall be designated by the Superintendent of Indian Affairs, or under his direction.

If at the expiration of one or more years the Indians should prefer to receive goods, instead of the nine thousand dollars agreed to be paid to them in money, they shall be at liberty to do so. Or, should they conclude to appropriate a portion of that annuity to the establishment and support of a school or schools among them, this shall be granted them.

ARTICLE 3. The sum of one hundred thousand dollars shall be paid by the United States, to the half-breeds of the Chippewa nation, under the direction of the President. It is the wish of the Indians that their two sub-agents Daniel P. Bushnell, and Miles M. Vineyard, superintend the distribution of this money among their half-breed relations.

Payment to half-breeds.

ARTICLE 4. The sum of seventy thousand dollars shall be applied to the payment, by the United States, of certain claims against the Indians; of which amount twenty-eight thousand dollars shall, at their request, be paid to William A. Aitkin, twenty-five thousand to Lyman M. Warren, and the balance applied to the liquidation of other just demands against them—which they acknowledge to be the case with regard to that presented by Hercules L. Dousman, for the sum of five thousand dollars; and they request that it be paid.

Payment of claims against Indians.

ARTICLE 5. The privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded, is guarantied to the Indians, during the pleasure of the President of the United States.

Hunting ground.

ARTICLE 6. This treaty shall be obligatory from and after its ratification by the President and Senate of the United States.

Treaty binding when ratified.

Done at St. Peters in the Territory of Wisconsin the twenty-ninth day of July eighteen hundred and thirty-seven.

Henry Dodge, Commissioner.

From Leech lake:
Aish-ke-bo-ge-koshe, or Flat Mouth,
R-che-o-sau-ya, or the Elder Brother.
Chiefs.
Pe-zhe-kins, the Young Buffalo,
Ma-ghe-ga-bo, or La Trappe,
O-be-gwa-dans, the Chief of the Earth,
Wa-bose, or the Rabbit,
Che-a-na-quod, or the Big Cloud.
Warriors.

From Gull lake and Swan river:
Pa-goo-na-kee-zhig, or the Hole in the Day,
Songa-ko-mig, or the Strong Ground.
Chiefs.
Wa-boo-jig, or the White Fisher,
Ma-cou-da, or the Bear's Heart.
Warriors.

From St. Croix river:
Pe-zhe-ke, or the Buffalo,
Ka-be-ma-be, or the Wet Month.
Chiefs.
Pa-ga-we-we-wetung, Coming Home Hollowing,
Ya-banse, or the Young Buck,
Kis-ke-ta-wak, or the Cut Ear.
Warriors.

From Lake Courteoville:
Pa-qua-a-mo, or the Wood Pecker.
Chief.

From Lac De Flambeau:
Pish-ka-ga-ghe, or the White Crow,

Na-wa-ge-wa, or the Knee,
O-ge-ma-ga, or the Dandy,
Pa-se-quam-jis, or the Commissioner,
Wa-be-ne-me, or the White Thunder.
Chiefs.

From La Pointe, (On Lake Superior):
Pe-zhe-ke, or the Buffalo,
Ta-qua-ga-na, or Two Lodges Meeting,
Cha-che-que-o.
Chiefs.

From Mille Lac:
Wa-shask-ko-kone, or Rats Liver,
Wen-ghe-ge-she-guk, or the First Day.
Chiefs.
Ada-we-ge-shik, or Both Ends of the Sky,
Ka-ka-quap, or the Sparrow.
Warriors.

From Sandy Lake:
Ka-nan-da-wa-win-zo, or Le Brocheux,
We-we-shan-shis, the Bad Boy, or Big Mouth,
Ke-che-wa-me-te-go, or the Big Frenchman.
Chiefs.
Na-ta-me-ga-bo, the Man that stands First,
Sa-ga-ta-gun, or Spunk.
Warriors.

From Snake river:
Naudin, or the Wind,
Sha-go-bai, or the Little Six,
Pay-ajik, or the Lone Man,
Na-qua-na-bie, or the Feather.
Chiefs.
Ha-tau-wa,
Wa-me-te-go-zhins, the Little Frenchman,
Sho-ne-a, or Silver.
Warriors.

From Fond du Lac, (on Lake Superior):
Mang-go-sit, or the Loons Foot,
Shing-go-be, or the Spruce.
Chiefs.

From Red Cedar lake:
Mont-so-mo, or the Murdering Yell.

From Red lake:
Francois Goumean (a half breed).

From Leech lake:
Sha-wa-ghe-zhig, or the Sounding Sky,
Wa-zau-ko-ni-a, or Yellow Robe.
Warriors.

Signed in presence of—
Verplanck Van Antwerp, Secretary to the Commissioner.
M. M. Vineyard, U. S. Sub-Indian Agent.
Daniel P. Bushnell.
Law. Taliaferro, Indian Agent at St. Peters.
Martin Scott, Captain, Fifth Regiment Infantry.
J. Emerson, Assistant Surgeon, U. S. Army.
H. H. Sibley.
H. L. Dousman.
S. C. Stambaugh.
E. Lockwood.
Lyman M. Warren.
J. N. Nicollet.
Harmen Van Antwerp.
Wm. H. Forbes.
Jean Baptiste Dubay, Interpreter.
Peter Quinn, Interpreter.
S. Campbell, U. S. Interpreter.
Stephen Bonga, Interpreter.
Wm. W. Coriell.

(To the Indian names are subjoined a mark and seal.)

Treaty with the Chippewa, October 4, 1842*

TREATY WITH THE CHIPPEWA, 1842.

Articles of a treaty made and concluded at La Pointe of Lake Superior, in the Territory of Wisconsin, between Robert Stuart commissioner on the part of the United States, and the Chippewa Indians of the Mississippi, and Lake Superior, by their chiefs and headmen.

Oct. 4, 1842.
7 Stat., 591.
Proclamation, Mar. 23, 1843.

Land ceded to the United States.

ARTICLE I. The Chippewa Indians of the Mississippi and Lake Superior, cede to the United States all the country within the following boundaries; viz: beginning at the mouth of Chocolate river of Lake Superior; thence northwardly across said lake to intersect the boundery line between the United States and the Province of Canada; thence up said Lake Superior, to the mouth of the St. Louis, or Fond du Lac river (including all the islands in said lake); thence up said river to the American Fur Company's trading post, at the southwardly bend thereof, about 22 miles from its mouth; thence south to intersect the line of the treaty of 29th July 1837, with the Chippewas of the Mississippi; thence along said line to its southeastwardly extremity, near the Plover portage on the Wisconsin river; thence northeastwardly, along the boundery line, between the Chippewas and Menomonees, to its eastern termination, (established by the treaty held with the Chippewas, Menomonees, and Winnebagoes, at Butte des Morts, August 11th 1827) on the Skonawhy river of Green Bay; thence northwardly to the source of Chocolate river; thence down said river to its mouth, the place of beginning; it being the intention of the parties to this treaty, to include in this cession, all the Chippewa lands eastwardly of the aforesaid line running from the American Fur Company's trading post on the Fond du Lac river to the intersection of the line of the treaty made with the Chippewas of the Mississippi July 29th 1837.

Hunting ground.

ARTICLE II. The Indians stipulate for the right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to remove by the President of the United States, and that the laws of the United States shall be continued in force, in respect to their trade and inter course with the whites, until otherwise ordered by Congress.

Unceded lands to be common property of the Indians.

ARTICLE III. It is agreed by the parties to this treaty, that whenever the Indians shall be required to remove from the ceded district, all the unceded lands belonging to the Indians of Fond du Lac, Sandy Lake, and Mississippi bands, shall be the common property and home of all the Indians, party to this treaty.

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* Charles Kappler, vol. 2 of *Indian Affairs: Laws and Treaties* (Washington, DC: Government Printing Office, 1904), pp. 542-546.

ARTICLE IV. In consideration of the foregoing cession, the United States, engage to pay to the Chippewa Indians of the Mississippi, and Lake Superior, annually, for twenty-five years, twelve thousand five hundred (12,500) dollars, in specie, ten thousand five hundred (10,500) dollars in goods, two thousand (2,000) dollars in provisions and tobacco, two thousand (2,000) dollars for the support of two blacksmiths shops, (including pay of smiths and assistants, and iron steel &c.) one thousand (1,000) dollars for pay of two farmers, twelve hundred (1,200) dollars for pay of two carpenters, and two thousand (2,000) dollars for the support of schools for the Indians party to this treaty; and further the United States engage to pay the sum of five thousand (5,000) dollars as an agricultural fund, to be expended under the direction of the Secretary of War. And also the sum of seventy-five thousand (75,000) dollars, shall be allowed for the full satisfaction of their debts within the ceded district, which shall be examined by the commissioner to this treaty, and the amount to be allowed decided upon by him, which shall appear in a schedule hereunto annexed. The United States shall pay the amount so allowed within three years.

Sums to be paid by United States for cession.

Indian debts to be paid by United States.

Whereas the Indians have expressed a strong desire to have some provision made for their half breed relatives, therefore it is agreed, that fifteen thousand (15,000) dollars shall be paid to said Indians, next year, as a present, to be disposed of, as they, together with their agent, shall determine in council.

Provision for half breeds.

ARTICLE V. Whereas the whole country between Lake Superior and the Mississippi, has always been understood as belonging in common to the Chippewas, party to this treaty; and whereas the bands bordering on Lake Superior, have not been allowed to participate in the annuity payments of the treaty made with the Chippewas of the Mississippi, at St. Peters July 29th 1837, and whereas all the unceded lands belonging to the aforesaid Indians, are hereafter to be held in common, therefore, to remove all occasion for jealousy and discontent, it is agreed that all the annuity due by the said treaty, as also the annuity due by the present treaty, shall henceforth be equally divided among the Chippewas of the Mississippi and Lake Superior, party to this treaty, so that every person shall receive an equal share.

Division of annuity.

ARTICLE VI. The Indians residing on the Mineral district, shall be subject to removal therefrom at the pleasure of the President of the United States.

Indians on mineral districts subject to removal.

ARTICLE VII. This treaty shall be obligatory upon the contracting parties when ratified by the President of the United States.

Obligatory when ratified.

From Lake Courteoville:
Pa-qua-a-mo, or the Wood Pecker.
Chief.

From Lac De Flambeau:
Pish-ka-ga-ghe, or the White Crow,
Na-wa-ge-wa, or the Knee,
O-ge-ma-ga, or the Dandy,
Pa-se-quam-jis, or the Commissioner,
Wa-be-ne-me, or the White Thunder.
Chiefs.

From La Pointe, (on Lake Superior):
Pe-zhe-ke, or the Buffalo,
Ta-qua-ga-na, or Two Lodges Meeting,
Cha-che-que-o.
Chiefs.

From Mille Lac:
Wa-shask-ko-kone, or Rats Liver,
Wen-ghe-ge-she-guk, or the First Day.
Chiefs.
Ada-we-ge-shik, or Both Ends of the Sky,
Ka-ka-quap, or the Sparrow.
Warriors.

From Sandy Lake:
Ka-nan-da-wa-win-zo, or Le Brocheux,
We-we-shan-shis, the Bad Boy, or
Big Mouth,
Ke-che-wa-me-te-go, or the
Big Frenchman.
Chiefs.
Na-ta-me-ga-bo, the Man that stands
First,
Sa-ga-ta-gun, or Spunk.
Warriors.

From Snake river:
Naudin, or the Wind,
Sha-go-bai, or the Little Six,
Pay-ajik, or the Lone Man,
Na-qua-na-bie, or the Feather.
Chiefs.
Ha-tau-wa,
Wa-me-te-go-zhins, the Little Frenchman,
Sho-ne-a, or Silver.
Warriors.

From Fond du Lac, (on Lake Superior):
Mang-go-sit, or the Loons Foot,
Shing-go-be, or the Spruce.
Chiefs.

From Red Cedar lake:
Mont-so-mo, or the Murdering Yell.

From Red lake:
Francois Goumean (a half breed).

From Leech lake:
Sha-wa-ghe-zhig, or the Sounding Sky,
Wa-zau-ko-ni-a, or Yellow Robe.
Warriors.

Signed in presence of—
Verplanck Van Antwerp, Secretary to
the Commissioner.
M. M. Vineyard, U. S. Sub-Indian Agent.
Daniel P. Bushnell.
Law. Taliaferro, Indian Agent at
St. Peters.
Martin Scott, Captain, Fifth Regiment
Infantry.
J. Emerson, Assistant Surgeon,
U. S. Army.
H. H. Sibley.
H. L. Dousman.
S. C. Stambaugh.
E. Lockwood.
Lyman M. Warren.
J. N. Nicollet.
Harmen Van Antwerp.
Wm. H. Forbes.
Jean Baptiste Dubay, Interpreter.
Peter Quinn, Interpreter.
S. Campbell, U. S. Interpreter.
Stephen Bonga, Interpreter.
Wm. W. Coriell.

(To the Indian names are subjoined a mark and seal.)

In testimony whereof the said Robert Stuart commissioner, on the part of the United States, and the chiefs and headmen of the Chippewa Indians of the Mississippi and Lake Superior, have hereunto set their hands, at La Pointe of Lake Superior, Wisconsin Territory this fourth day of October in the year of our Lord one thousand eight hundred and forty-two.

Robert Stuart, Commissioner.
Jno. Hulbert, Secretary.

Crow wing River,	Po go ne gi shik,	1st chief.
Do.	Son go com ick,	2d do.[1]
Sandy Lake,	Ka non do ur uin zo,	1st do.
Do.	Na tum e gaw bon,	2d do.
Gull Lake,	Ua bo jig,	1st do.
Do.	Pay pe si gon de bay,	2d do.
Red Ceder Lake,	Kui ui sen shis,	1st do.
Do.	Ott taw wance,	2d do.
Po ke gom maw,	Bai ie jig,	1st do.
Do.	Show ne aw,	2d do.
Wisconsin River,	Ki uen zi,	1st do.
Do.	Wi aw bis ke kut te way,	2d do.
Lac de Flambeau,	A pish ka go gi,	1st do.
Do.	May tock cus e quay,	2d do.
Do.	She maw gon e,	2d do.
Lake Bands,	Ki ji ua be she shi,	1st do.
Do.	Ke kon o tum,	2d do.
Fon du Lac,	Shin goob,	1st do.
Do.	Na gan nab,	2d do.
Do.	Mong o zet,	2d do.
La Pointe,	Gitchi waisky,	1st do.
Do.	Mi zi,	2d do.
Do.	Ta qua gone e,	2d do.
Onlonagan,	O kon di kan,	1st do.
Do.	Kis ke taw wac,	2d do.
Ance,	Pe na shi,	1st do.
Do.	Guck we san sish,	2d do.
Vieux Desert,	Ka she osh e,	1st do.
Do.	Medge waw gwaw wot,	2d do.
Mille Lac,	Ne qua ne be,	1st do.
Do.	Ua shash ko kum,	2d do.
Do.	No din,	2d do.
St. Croix,	Be zhi ki,	1st do.
Do.	Ka bi na be,	2d do.
Do.	Ai aw bens,	2d do.
Snake River,	Sha go bi,	1st do.
Chippewa River,	Ua be she shi,	1st do.
	Que way zhan sis,	2d do.
Lac Courtulle,	Ne na nang eb,	1st do.
Do.	Be bo kon uen,	2d do.
Do.	Ki uen zi.	2d do.

In presence of—

Henry Blanchford, interpreter.
Samuel Ashmun, interpreter.
Justin Rice.
Charles H. Oakes.
William A. Aitkin.
William Brewster.
Charles M. Borup.
Z. Platt.
C. H. Beaulieau.
L. T. Jamison.
James P. Scott.
Cyrus Mendenhall.
L. M. Warren.

(To the Indian names are subjoined marks.)

[1] "Do." is synonymous with ditto.

Schedule of debts of Indians to be paid.

Schedule of claims examined and allowed by Robert Stuart, commissioner, under the treaty with the Chippewa Indians of the Mississippi and Lake Superior, concluded at La Pointe, October 4, 1842, setting forth the names of claimants, and their proportion of allowance of the seventy-five thousand dollars provided in the fourth article of the aforesaid treaty, for the full satisfaction of their debts, as follows:

No. of claim.	Name of claimant.	Proportion of $75,000. set apart in 4th article of treaty.
1	Edward F. Ely	$50 80
2	Z. Platt, esq., attorney for George Berkett	484 67
3	Cleveland North Lake Co.	1,485 67
4	Abraham W. Williams	75 03
5	William Brewster	2,052 67
	This claim to be paid as follows, viz:	
	William Brewster, or order $1,929 77	
	Charles W. Borup, or order 122 90	
	$2,052 67	
6	George Copway	61 67
7	John Kahbege	57 55
8	Alixes Carpantier	28 58
9	John W. Bell	186 16
10	Antoine Picard	6 46
11	Michael Brisette	182 42
12	François Dejaddon	301 48
13	Pierre C. Duvernay	1,101 00
14	Jean Bts. Bazinet	325 46
15	John Hotley	69 00
16	François Charette	234 92
17	Clement H. Beaulieu, agent for the estate of Bazil Beaulieu, dec'd	596 84
18	François St. Jean and George Bonga	366 84
19	Louis Ladebauche	322 52
20	Peter Crebassa	499 27
21	B. T. Kavanaugh	516 82
22	Augustin Goslin	169 05
23	American Fur Company	13,365 30
	This claim to be paid as follows, viz:	
	American Fur Company 12,565 10	
	Charles W. Borup 800 20	
	$13,365 30	
24	William A. Aitken	935 67
25	James P. Scott	73 41
26	Augustin Bellanger	192 35
27	Louis Corbin	12 57
28	Alexes Corbin	596 03
29	George Johnston	35 24
30	Z. Platt, esq., attorney for Sam'l Ashman	1,771 63
31	Z. Platt, esq., attorney for Wm. Johnson	390 27

No. of claim.	Name of claimant.	Proportion of $75,000. set apart in 4th article of treaty.
32	Z. Platt, esq., attorney for estate of Dan'l Dingley	1,991 62
33	Lyman M. Warren	1,366 65
34	Estate of Michael Cadotte, *disallowed.*	
35	Z. Platt, esq., attorney for estate of E. Roussain	959 13
36	Joseph Dufault	144 32
37	Z. Platt, esq., attorney for Antoine Mace	170 35
38	Michael Cadotte	205 60
39	Z. Platt, esq., att'y for François Gauthier	167 05
40	Z. Platt, esq., att'y for Joseph Gauthier	614 30
41	Z. Platt, esq., attorney for J. B. Uoulle	64 78
42	Jean Bts. Corbin	531 50
43	John Hulbert	209 18
44	Jean Bts. Couvellion	18 80
45	Nicholas Da Couteau, *withdrawn.*	
46	Pierre Cotté	732 50
47	W. H. Brockway and Henry Holt, executors to the estate of John Holliday, dec'd	3,157 10
48	John Jacob Astor This claim to be paid as follows, viz: Charles W. Borup ..... 1,676 90 Z. Platt, esq. ..... 2,621 80 John Jacob Astor 23,696 28 $27,994 98	37,994 98
49	Z. Platt, esq., attorney for Thos. Connor	1,118 60
50	Charles H. Oakes	4,309 21
51	Z. Platt, esq., attorney for Wm. Morrison	1,074 70
52	Z. Platt, esq., att'y for Isaac Butterfield	1,275 56
53	J. B. Van Rensselaer	62 00
54	William Brewster and James W. Abbot The parties to this claim request no payment be made to either without their joint consent, or until a decision of the case be had, in a court of justice.	2,067 10
55	William Bell	17 62
		$75,000 00

Robert Stuart, Commissioner.
Jno. Hulbert, Secretary.

Symbolic Petition of Chippewa Chiefs

PICTOGRAPH. A.
Pl. 60
SYMBOLIC PETITION OF CHIPPEWA CHIEFS,
presented at Washington, January 28th 1849, headed by Oshcabawis of Monomonecau, Wisconsin.

***Symbolic Petition of Chippewa Chiefs**, 1849. Drawing by Seth Eastman from Schoolcraft,* The Indian Tribes of the United States, *Vol. 1 (1851). The chiefs who went to Washington in 1849 requested a "permanent home" in Wisconsin; they carried this pictograph with them. Animals representing various clans travel eastward along Lake Superior (the dark line across the pictograph). Their unity of purpose is depicted by the lines linking together their hearts and eyes to a chain of wild rice lakes in ceded territory south of Lake Superior. Iconographic Collection, State Historical Society of Wisconsin.*

Eyewitness Account of the Wisconsin Chippewa Death March, 1850-51*

I. INDIAN MISSIONS.—Impediments have been thrown in the way of our efforts to evangelize the Indians in the western part of this district, by the efforts of the Government to effect their removal. The Indians have already suffered much. They have felt, in consequence, chafed in their minds, and, to a considerable extent, they are jealous of their best friends, because of the wrongs they have suffered. To give a brief detail of facts.

Removal of the Payment to Sandy Lake.—Since the treaty the payment had been made at La Pointe. This place was quite central, so far as the Indians connected with our missions were concerned, and easy of access. But with a view to effecting the removal of the Indians west the payment was removed to Sandy Lake, and a refusal to go there to receive it amounted to a forfeiture. The Indians about Kewawenon did not go, and, as a result, got nothing. A large band of Indians at *Lake Vieux Desert* also suffered the loss of their payment before they would consent to go to Sandy Lake. If I was correctly informed none of them went. Many, however, from different points did convene at the call of the Agent.

Troubles after their arrival at Sandy Lake.—They were in a most destitute situation. As their route led across land portages, some of them miles in extent, they could not take with them bark to construct lodges. Nor could any thing be obtained at Sandy Lake to afford even a tolerable shelter for several hundred Indians from the pelting rain and snows of autumn. Their clothing was scarcely a circumstance. The wood they burned, as the missionaries informed me, they carried on their backs the distance of a mile to a mile and a half. Nor were they any better off for food. They waited a long time for the arrival of the Agent—threatened to force open the provision store and help themselves, and would have done so but for the resolute manner in which it had been guarded. Their provisions they must and did get, which were nearly or quite consumed while waiting for their pay. Another aggravating circumstance was connected with their provisions. The contractors had stored a large quantity of the flour near the Mississippi. The river rose, and, for some time, the flour was submerged, and consequently badly damaged. But, such as it was, it was fed out to the hungry Indians. Almost incited to insurrection by past grievances, they were measurably quieted in hope of being paid off on the arrival of the Agent. After waiting about two months, what must have been their disappointment to be met with the cold comfort that their *Great Father (?)* was not yet ready to pay them; they must wait another year for their money!

Sickness and Death.—Meanwhile disease had been making terrible ravages among them. It assumed the form of dysentery; some thought it to be a modification of cholera. Simultaneously the measles was prevailing. As a result of the malignant diseases abroad, there were about two hundred deaths. Frequently seven or eight died in a day. So alarming was the mortality that the Indians complained that they could not bury their dead. Coffins could not be procured, and often the body of the deceased was

* Reverend John H. Pitezel, *Lights and Shade of Missionary Life . . . During Nine Years spent in the Region of Lake Superior* (Cincinnati: R. P. Thompson, printer, 1859), pp. 298-302.

wrapped up in a piece of bark and buried slightly under ground. At times a hole was dug and several corpses together thrown in and covered up. Often when one died in a wigwam, the surviving friends would dig a grave in the center, bury their dead, and remove their lodge. All over the cleared land graves were to be seen in every direction, for miles distant, from Sandy Lake; they were to be found in the woods. Some, it is not known how many, were interred by their friends on their way home. I was credibly informed that there were instances in which the sick were unable to accompany their relatives, and were left alone to perish in the wilderness. One man, it is said, importuned his wife to remain with him and not to suffer him to die alone. She replied that if she should remain she must die too, and thus left him. On my way to Sandy Lake I saw a number of those recent graves, and, in some places, there were remaining racks or frames constructed for the support of the sick. The evidences of a terrible calamity every-where met the eye.

Destruction of Canoes.—The Indians who went to payment *via* the St. Louis river, left their canoes at the confluence of the East Savan and the St. Louis, thinking that it would not be safe to take them to the head of the Savan, as that might be frozen over before they returned. But they did not dream of being detained till the large and rapid St. Louis should be frozen over. Such, however, was the fact. Finding the rivers closed on their return, and all a snowy wilderness around, some were so enraged that they broke their canoes in pieces for fuel, others were purposely broken to prevent them from being stolen; many more were simply left in the snow, and, on the opening of spring, some were stolen, many were carried down the St. Louis and lodged among the floodwood, or against the banks. I saw quite a number in this situation. A few were still remaining, when I passed, where they had been left. The number of the canoes thus sacrificed is not known. The Indians said a hundred or more. They were worth from eight to twenty dollars each, which shows a heavy destruction of property, besides the inconvenience and hardship to which the Indians were subjected in being compelled to walk home, and carry their effects on their backs.

With this chain of distressing evils, the cause of which the Indians charge upon the Government, it is not to be wondered at that many should have been driven almost to desperation. And, as it is difficult for the Indians to distinguish between friends and enemies; as they can not be expected to make due allowance for the unavoidable failures of the Government, it is no great wonder that they should feel jealous even of the missionaries; rank them with others as enemies and treat them accordingly. This may account for the treatment received by our missionaries at Sandy Lake the past winter. It must, however, be set down to the credit of the Indians that the ill treatment suffered by the missionaries is to be charged, not to the Indians *en masse*, but to a few of the most abandoned.

Treaty with the Chippewa, September 30, 1854*

Articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head-men.

Sept. 30, 1854.
10 Stats., 1109.
Ratified Jan. 10, 1855.
Proclaimed Jan. 29, 1855.

ARTICLE 1. The Chippewas of Lake Superior hereby cede to the United States all the lands heretofore owned by them in common with the Chippewas of the Mississippi, lying east of the following boundary line, to wit: Beginning at a point, where the east branch of Snake River crosses the southern boundary-line of the Chippewa country, running thence up the said branch to its source, thence nearly north, in a straight line, to the mouth of East Savannah River, thence up the St. Louis River to the mouth of East Swan River, thence up the East Swan River to its source, thence in a straight line to the most westerly bend of Vermillion River, and thence down the Vermillion River to its mouth.

Cession to the United States by the Chippewa of Lake Superior.

The Chippewas of the Mississippi hereby assent and agree to the foregoing cession, and consent that the whole amount of the consideration money for the country ceded above, shall be paid to the Chippewas of Lake Superior, and in consideration thereof the Chippewas of Lake Superior hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to the lands heretofore owned by them in common, lying west of the above boundry-line.

Relinquishment to Chippewa of Mississippi by Chippewa of Lake Superior.

ARTICLE 2. The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following-described tracts of land, viz:

Reservation for Chippewa of Lake Superior.

1st. For the L'Anse and Vieux De Sert bands, all the unsold lands in the following townships in the State of Michigan: Township fifty-one north range thirty-three west; township fifty-one north range thirty-two west; the east half of township fifty north range thirty-three west; the west half of township fifty north range thirty-two west, and all of township fifty-one north range thirty-one west, lying west of Huron Bay.

2d. For the La Pointe band, and such other Indians as may see fit to settle with them, a tract of land bounded as follows: Beginning on the south shore of Lake Superior, a few miles west of Montreal River, at the mouth of a creek called by the Indians Ke-che-se-be-we-she, running thence south to a line drawn east and west through the centre of township forty-seven north, thence west to the west line of said township, thence south to the southeast corner of township forty-six north, range thirty-two west, thence west the width of two townships, thence north the width of two townships, thence west one mile, thence north to the lake shore, and thence along the lake shore, crossing Shag-waw-me-quon Point, to the place of beginning. Also two hundred acres on the northern extremity of Madeline Island, for a fishing ground.

* Charles Kappler, Vol. 2 of *Indian Affairs: Laws and Treaties* (Washington, DC: Government Printing Office, 1904), pp. 648-652.

3d. For the other Wisconsin bands, a tract of land lying about Lac De Flambeau, and another tract on Lac Court Orielles, each equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed under the direction of the President.

4th. For the Fond Du Lac bands, a tract of land bounded as follows: Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary-line heretofore described, thence north along said boundary-line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning. And if said tract shall contain less than one hundred thousand acres, a strip of land shall be added on the south side thereof, large enough to equal such deficiency.

5th. For the Grand Portage band, a tract of land bounded as follows: Beginning at a rock a little east of the eastern extremity of Grand Portage Bay, running thence along the lake shore to the mouth of a small stream called by the Indians Maw-ske-gwaw-caw-maw-se-be, or Cranberry Marsh River, thence up said stream, across the point to Pigeon River, thence down Pigeon River to a point opposite the starting-point, and thence across to the place of beginning.

6th. The Ontonagon band and that subdivision of the La Pointe band of which Buffalo is chief, may each select, on or near the lake shore, four sections of land, under the direction of the President, the boundaries of which shall be defined hereafter. And being desirous to provide for some of his connections who have rendered his people important services, it is agreed that the chief Buffalo may select one section of land, at such place in the ceded territory as he may see fit, which shall be reserved for that purpose, and conveyed by the United States to such person or persons as he may direct.

7th. Each head of a family, or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

Survey and patents of reservation.

ARTICLE 3. The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, and the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family or single person over twenty-one years of age, eighty acres of land for his or their separate use; and he may, at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose. And he may also, at his discretion, make rules and regulations, respecting the disposition of the lands in case of the death of the head of a family, or single person occupying the same, or in case of its abandonment by them. And he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart. And he may also make such changes in the boundaries of such reserved tracts or otherwise as shall be necessary to prevent interference with any vested rights. All necessary roads, highways, and railroads, the lines of which may run through any of the reserved

tracts, shall have the right of way through the same, compensation being made therefor as in other cases.

Payments for said cession.

ARTICLE 4. In consideration of and payment for the country hereby ceded, the United States agree to pay to the Chippewas of Lake Superior, annually, for the term of twenty years, the following sums, to wit: five thousand dollars in coin; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural implements and cattle, carpenter's and other tools and building materials, and three thousand dollars for moral and educational purposes, of which last sum, three hundred dollars per annum shall be paid to the Grand Portage band, to enable them to maintain a school at their village. The United States will also pay the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of six thousand dollars, in agricultural implements, household furniture, and cooking utensils, to be distributed at the next annuity payment, among the mixed bloods of said nation. The United States will also furnish two hundred guns, one hundred rifles, five hundred beaver-traps, three hundred dollars' worth of ammunition, and one thousand dollars' worth of ready-made clothing, to be distributed among the young men of the nation, at the next annuity payment.

Blacksmiths and assistants.

ARTICLE 5. The United States will also furnish a blacksmith and assistant, with the usual amount of stock, during the continuance of the annuity payments, and as much longer as the President may think proper, at each of the points herein set apart for the residence of the Indians, the same to be in lieu of all the employees to which the Chippewas of Lake Superior may be entitled under previous existing treaties.

Annuities not to be withheld for debt, but may be for depredations.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction for depredations committed by them shall be made by them in such manner as the President may direct.

Spirituous liquors.

ARTICLE 7. No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the Territory hereby ceded, until otherwise ordered by the President.

Division between Chippewa of Mississippi and of Lake Superior of benefits of former treaties.

ARTICLE 8. It is agreed, between the Chippewas of Lake Superior and the Chippewas of the Mississippi, that the former shall be entitled to two-thirds, and the latter to one-third, of all benefits to be derived from former treaties existing prior to the year 1847.

Arrearages.

ARTICLE 9. The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct.

Preemption.

ARTICLE 10. All missionaries, and teachers, and other persons of full age, residing in the territory hereby ceded, or upon any of the reservations hereby made by authority of law, shall be allowed to enter the land occupied by them at the minimum price whenever the surveys shall be completed to the amount of one quarter-section each.

Annuities, how paid.

ARTICLE 11. All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the

homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.

Stipulations for Bois Forte Indians.

ARTICLE 12. In consideration of the poverty of the Bois Forte Indians who are parties to this treaty, they having never received any annuity payments, and of the great extent of that part of the ceded country owned exclusively by them, the following additional stipulations are made for their benefit. The United States will pay the sum of ten thousand dollars, as their chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of ten thousand dollars, in five equal annual payments, in blankets, cloth, nets, guns, ammunition, and such other articles of necessity as they may require.

They shall have the right to select their reservation at any time hereafter, under the direction of the President; and the same may be equal in extent, in proportion to their numbers, to those allowed the other bands, and be subject to the same provisions.

They shall be allowed a blacksmith, and the usual smithshop supplies, and also two persons to instruct them in farming, whenever in the opinion of the President it shall be proper, and for such length of time as he shall direct.

It is understood that all Indians who are parties to this treaty, except the Chippewas of the Mississippi, shall hereafter be known as the Chippewas of Lake Superior. *Provided*; That the stipulation by which the Chippewas of Lake Superior relinquishing their right to land west of the boundary-line shall not apply to the Bois Forte band who are parties to this treaty.

ARTICLE 13. This treaty shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Henry C. Gilbert, and the said David B. Herriman, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas of Lake Superior and the Mississippi, have hereunto set their hands and seals, at the place aforesaid, this thirtieth day of September, one thousand eight hundred and fifty-four.

Henry C. Gilbert,
David B. Herriman,
Commissioners.

Richard M. Smith, Secretary.

La Pointe Band:

Ke-che-waish-ke, or the Buffalo, 1st chief, his x mark. [L. S.]

Chay-che-que-oh, 2d chief, his x mark. [L. S.]

A-daw-we-ge-zhick, or Each Side of the sky, 2d chief, his x mark. [L. S.]

O-ske-naw-way, or the Youth, 2d chief, his x mark. [L. S.]

Maw-caw-day-pe-nay-se, or the Black Bird, 2d chief, his x mark. [L. S.]

Naw-waw-naw-quot, headman, his x mark. [L. S.]

Ke-wain-zeence, headman, his x mark. [L. S.]

Waw-baw-ne-me-ke, or the White Thunder, 2d chief, his x mark. [L. S.]

Pay-baw-me-say, or the Soarer, 2d chief, his x mark. [L. S.]

Naw-waw-ge-waw-nose, or the Little Current, 2d chief, his x mark. [L. S.]
Maw-caw-day-waw-quot, or the Black Cloud, 2d chief, his x mark. [L. S.]
Me-she-naw-way, or the Disciple, 2d chief, his x mark. [L. S.]
Key-me-waw-naw-um, headman, his x mark. [L. S.]
She-gog headman, his x mark. [L. S.]

Ontonagon Band:

O-cun-de-cun, or the Buoy 1st chief, his x mark. [L. S.]
Waw-say-ge-zhick, or the Clear Sky, 2d chief, his x mark. [L. S.]
Keesh-ke-taw-wug, headman, his x mark. [L. S.]

L'Anse Band:

David King, 1st chief, his x mark. [L. S.]
John Southwind, headman, his x mark. [L. S.]
Peter Marksman, headman, his x mark. [L. S.]
Naw-taw-me-ge-zhick, or the First Sky, 2d chief, his x mark. [L. S.]
Aw-se-neece, headman, his x mark. [L. S.]

Vieux De Sert Band:

May-dway-aw-she, 1st chief, his x mark. [L. S.]
Posh-quay-gin, or the Leather, 2d chief, his x mark. [L. S.]

Grand Portage Band:

Shaw-gaw-naw-sheence, or the Little Englishman, 1st chief, his x mark. [L. S.]
May-mosh-caw-wosh, headman, his x mark. [L. S.]
Aw-de-konse, or the Little Reindeer, 2d chief, his x mark. [L. S.]
Way-we-ge-wam, headman, his x mark. [L. S.]

Fond Du Lac Band:

Shing-goope, or the Balsom, 1st chief, his x mark. [L. S.]
Mawn-go-sit, or the Loon's Foot, 2d chief, his x mark. [L. S.]
May-quaw-me-we-ge-zhick, headman, his x mark. [L. S.]
Keesh-kawk, headman, his x mark. [L. S.]
Caw-taw-waw-be-day, headman, his x mark. [L. S.]
O-saw-gee, headman, his x mark. [L. S.]
Ke-che-aw-ke-wain-ze, headman, his x mark. [L. S.]
Naw-gaw-nub, or the Foremost Sitter, 2d chief, his x mark. [L. S.]
Ain-ne-maw-sung, 2d chief, his x mark. [L. S.]
Naw-aw-bun-way, headman, his x mark. [L. S.]
Wain-ge-maw-tub, headman, his x mark. [L. S.]
Aw-ke-wain-zeence, headman, his x mark. [L. S.]
Shay-way-be-nay-se, headman, his x mark. [L. S.]
Paw-pe-oh, headman, his x mark. [L. S.]

Lac Court Oreille Band:

Aw-ke-wain-ze, or the Old Man, 1st chief, his x mark. [L. S.]
Key-no-zhance, or the Little Jack Fish, 1st chief, his x mark. [L. S.]
Key-che-pe-nay-se, or the Big Bird, 2d chief, his x mark. [L. S.]
Ke-che-waw-be-shay-she, or the Big Martin, 2d chief, his x mark. [L. S.]
Waw-be-shay-sheence, headman, his x mark. [L. S.]
Quay-quay-cub, headman, his x mark. [L. S.]
Shaw-waw-no-me-tay, headman, his x mark. [L. S.]
Nay-naw-ong-gay-be, or the Dressing Bird, 1st chief, his x mark. [L. S.]
O-zhaw-waw-sco-ge-zhick, or the Blue Sky, 2d chief, his x mark. [L. S.]
I-yaw-banse, or the Little Buck, 2d chief, his x mark. [L. S.]
Ke-che-e-nin-ne, headman, his x mark. [L. S.]
Haw-daw-gaw-me, headman, his x mark. [L. S.]
Way-me-te-go-she, headman, his x mark. [L. S.]

Pay-me-ge-wung, headman,
his x mark. [L. S.]

Lac Du Flambeau Band:

Aw-mo-se, or the Wasp, 1st chief,
his x mark. [L. S.]

Ke-nish-te-no, 2d chief,
his x mark. [L. S.]

Me-gee-see, or the Eagle, 2d
chief, his x mark. [L. S.]

Kay-kay-co-gwaw-nay-aw-she,
headman, his x mark. [L. S.]

O-che-chog, headman,
his x mark. [L. S.]

Nay-she-kay-gwaw-nay-be,
headman, his x mark. [L. S.]

O-scaw-bay-wis, or the Waiter,
1st chief, his x mark. [L. S.]

Que-we-zance, or the White Fish,
2d chief, his x mark. [L. S.]

Ne-gig, or the Otter, 2d chief,
his x mark. [L. S.]

Nay-waw-che-ge-ghick-may-be,
headman, his x mark. [L. S.]

Quay-quay-ke-cah, headman,
his x mark. [L. S.]

Bois Forte Band:

Kay-baish-caw-daw-way, or Clear
Round the Prairie, 1st chief,
his x mark. [L. S.]

Way-zaw-we-ge-zhick-way-sking,
headman, his x mark. [L. S.]

O-saw-we-pe-nay-she, headman,
his x mark. [L. S.]

The Mississippi Bands:

Que-we-san-se, or Hole in the Day,
head chief, his x mark. [L. S.]

Caw-nawn-daw-waw-win-zo, or
the Berry Hunter, 1st chief,
his x mark. [L. S.]

Waw-bow-jieg, or the White
Fisher, 2d chief,
his x mark. [L. S.]

Ot-taw-waw, 2d chief,
his x mark. [L. S.]

Que-we-zhan-cis, or the Bad Boy,
2d chief, his x mark. [L. S.]

Bye-a-jick, or the Lone Man, 2d
chief, his x mark. [L. S.]

I-yaw-shaw-way-ge-zhick, or the
Crossing Sky, 2d chief,
his x mark. [L. S.]

Maw-caw-day, or the Bear's Heart,
2d chief, his x mark. [L. S.]

Ke-way-de-no-go-nay-be, or the
Northern Feather, 2d chief,
his x mark. [L. S.]

Me-squaw-dace, headman,
his x mark. [L. S.]

Naw-gaw-ne-gaw-bo, headman,
his x mark. [L. S.]

Wawm-be-de-yea, headman,
his x mark. [L. S.]

Waish-key, headman,
his x mark. [L. S.]

Caw-way-caw-me-ge-skung,
headman, his x mark. [L. S.]

My-yaw-ge-way-we-dunk, or the
One who carries the Voice,
2d chief, his x mark. [L. S.]

John F. Godfroy,
Geo. Johnston,
S. A. Marvin,
Louis Codot,
Paul H. Beaulieu,
Henry Blatchford,
Peter Floy,
} Interpreters.

Executed in the presence of—

Henry M. Rice,
J. W. Lynde,
G. D. Williams,
B. H. Connor,
E. W. Muldough,
Richard Godfroy,
D. S. Cash,
H. H. McCullough,
E. Smith Lee,
Wm. E. Vantassel,
L. H. Wheeler.

Land Cessions, 1837-54*

Map By Sean Hartnett

* Ronald N. Satz, *Chippewa Treaty Rights* (Madison: Wisconsin Academy of Science, Arts and Letters, 1991), Fig. 7, p. 15.

Chief Buffalo's Memorial to President Millard Fillmore*

Chief Buffalo

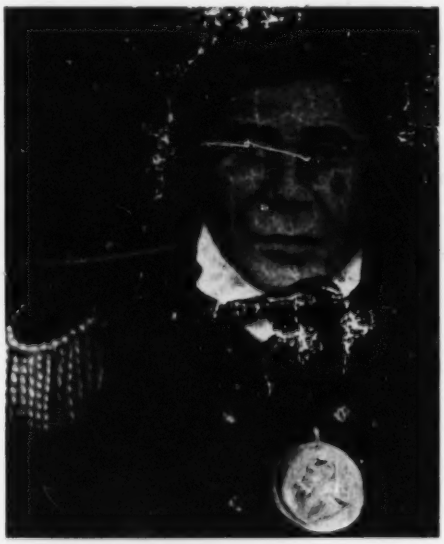
To

His Excellancy Millard Fillmore President of the United States of America.

The memorial of the Buffalo, Head Chief at Lapointe and of his Chiefs, Head men and warriors, comprizing the band inhabiting the Shores of Lake Superior.

My Great Grand Father,

1st It is true that we your Chippewa children residing at Lapointe feel deeply grieved at the non-fulfillment of promises made to us by your Commissioner Robert Stuart Esq. when you authorized him to purchase our mineral lands in 1842, his words are lacking. 2nd All who were present at that treaty listened to your words, which you sent to us through him. 3rd We are fully filled with surprize and with grief over reaching the hearts of our young men, women & children. 4th It is on this account, Our Great Grand Father, that your children residing at Lapointe gave us their approved consent and leave to come here and visit you at this present time. 5th And when we understood that your Commissioner had come to purchase our mineral lands, and when we understood the stipulated amount to be paid to us, and the time of the annuities commencing! and at this state of affairs some of the Indians were induced to deliver up our mineral lands, it was children who first did so. 7th I am not the person who am named Buffalo, residing at Lapointe, who first gave up my mineral lands.



*Portrait of **Chief Buffalo**, over painted enlargement photographic copy, possibly from a double portrait and possibly an ambrotype. From The Madeline Island Historical Museum Collection. Iconographic Collection, State Historical Society of Wisconsin.*

9th And your Commissioner promised to pay to us annuities for the term of twenty five years, to terminate here and at this point. 10th And furthermore assured us, by saying that if we were good men, that we should not only be permitted to remain on our lands for fifty,

* Records of the Office of Indian Affairs, *Letters Received, Chippewa Agency*, Microcopy 234, Roll 149, Record Group 75, National Archives Records Services, Washington, D.C.

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but one hundred years to come, and these were the words of your Commissioner. 11th And we put full faith and believed that your words and your laws could not be broken. 12th I have at all times acted in obedience to your good laws, and I have enjoined the principle upon my fellow Chippewas, and advised them to lead a quiet and peaceable life.

13th This is the life I lead, I who am named the Buffalo, and when I see a white man, I sincerely shake hands with him and with my right arm encircling him, display the goodness of my heart. 14th I am not aware that I, nor my band residing at this point ever spilt the blood of white men, nor the blood of my fellow Chippewas, and I have never to my knowledge Killed white mens cattle nor have I clandestinely taken his goods. 15th I am not aware that I am in the way of white men, while living at this point. 16th I have never placed any obstacles in the way of your workmen & miners. 17th Why therefore should you thus act towards me and since two years past pushing me to rise from my peaceable position, 18th I am Known by my white neighbors and by those who I see pass by.

19th It is surprizing that we do not realize the promises made to us by your Commissioner whom you sent to buy our mineral lands, 20th It is presumable to rely upon the deeds you do or authorize to be done and that they cannot be violated, you are the only one who can redress and straighten the difference existing in our treaty. 21st It is well known in all the world that the parents who love their children, that when they find them unhappy, that they do all in their power to relieve them from their difficulties.

22nd I will now lay before you my Great Grand Father, and tell you the miserable position our treaty has placed us in, 23rd Since two years past commenced our difficulties, while we were enjoying a peaceable seat at this place where our annuities were paid to us. 24. at this time you came and lifted our annuities away and place them at a great distance from us. 25. And when a message was sent to me by our Indian Agent to come and get our pay, I lost no time in arising, & complying with my Agents voice 26 and when reached my point of destination, verily my Agent fed me with very bad flour it resembled green clay. 27 Soon I became sick, and many of my fellow chippewas also were taken sick, and soon the results were manifested by the death of over two hundred persons of my tribe 28. for all this calamity, I laid blame to the provisions issued to us, and to the bad water existing in that region, differing materially from the pure water of Lake Superior which I am habituated to drink, but principally, I lay the blame to the rotten provisions issued to us, 29 verily, I was greatly surprized thus to see the condition of a part of my annuity, accruing from the sale of my mineral lands, and I was led to the immediate belief that you, My Great Grand Father, would not allow such provisions to be sent to us, and I was led to lay the blame upon those who brought it to the point where it had such a disastrous and fatal effect. 30 And I had to wait for my annuities, till late after the winter season had set in, and while thus waiting, we and our children experienced the inclement & severe cold weather, and this also was a contributing cause to the loss of so many of our young men. 31 Late after this I obtained part of my annuity which was paid to me by My Agent, with one arm he paid me that, which I ought to have had in full with both arms. 32 I wish to know why you treat me so, the understanding that existed between us and your Commissioner whom you sent to buy our mineral lands, was, that we should be paid yearly partly, in goods and partly in money.

Is it not the obligation of white men to fulfill their contracts, and should they not fulfill them, their contracts became null & void. consequently a misunderstanding exists, which can and ought to be adjusted to the mutual satisfaction of the parties concerned. There are Laws existing among you white men. 33. And when returning homeward I nearly lost all my annuity from difficulties I met with & existing at that inclement season, & from the great depth of snow and with great difficulty reached the place from whence I arose and many of my fellow Chippewas children on the way. 34. And the following summer your message reached us, the purpose of which required us to arise from our peaceable seats. and at this time we applied to and agent to pay us our annuities at Fond du Lac, 35. and he granted our request, and furthermore made us great promises, and said that he would supply us with one years provisions and build houses and open farms for us. 36 and he also said to us, that he would take us on to Washington to visit Our Great Grand Father the President, and this was to take place in the winter 1851, and said he, if I do not fulfill the whole of my promises I have made to you, I will than give you leave to return to your homes 37 and when that day arrives you will come on immediately and I will pay you, this is what he said to us, and we arose and pitched our camp at Fond du Lac 38. At this period our Agent commenced taking a list of the Fond du Lac Indians, 39 and while thus employed we were greatly astonished to see him leave off his work, and he arose and left us, and went and paid the Indians on the Mississippi, 40 and we sent some of our young men to see how the payments would be made 41 and we were positively told by our agent that payment would be made only to those who would come to reside permanently at the fond du Lac, and notwithstanding all these assurances, he paid many of the Indians who resided at a distance, and who did not comply with his requisitions 42 And when I saw the transactions of our Agent I was greatly surprized at his acts, I then sent my sons to visit the Governor at St Pauls, and he took pity on us, and enabled our band to lay hand on our money annuity, 43 but we got only eight dollars per head, while our relatives of Fond du Lac got ten. 44 My Great Grand Father, is this your mode of making out our distribution shares that at times one party should receive more than another 45. And money accrueing from fractions, I received Twenty dollars, while some other chiefs received over one hundred dollars 46, My Great Grand Father, the facts herein presented are true, and many are here living witnesses to certify to any assertions. 47 It is on this account that we have come to visit you and to obtain redress at your hands, you, who are at the head of the American people 48 you are well known to stretch forth your arms to redress wrongs, and place them upon a proper basis 49 We also rely, fully, on your Councellors residing near your person, that they will aid us, and promote our welfare 50 you now see me before you, well advanced in years, and I never had thoughts to give you any trouble nor to visit your capitol where justice is diffused. And I now beg and solicit your favorable consideration to this my memorial. 51 And should you grant my wishes, you will fill my heart with rejoicing, and I will arise from your presence filled with smiles. 52 But should I fail to obtain from you the desired Justice, I do not know what may be the result. Must my tracts cease to exist here in your presence. It is not in your nature to allow that this should take place. 53 It is generally this case with white men, when they have selected a spot to dwell at, that they begin to consider and look around them, to see what obstacles are in their way, they begin to cut away the underbrush and bad trees, in order to make the land level and smoothe so that nothing will come in contact to hurt their feet, they see good trees and they are

allowed to stand & live, & they are not cut down. We beseech you to do towards us as you do, allowing the good trees to stand and live in your domain. 54 And furthermore we pray, that in accordance to that, we do fully understand that our annuities should be paid to us at Lapointe & that they may be continued there, until the affirmation of the term as set forth in the Treaty of 1842, Sault Ste. Marie, June 12th 1852.

Translated by the Undersigned
Geo. Johnston

State of Wisconsin Petition Against the Removal of the Chippewas, February 27, 1854*

WILKIE, J. A brief history of the Lake Superior Chippewa is necessary to our consideration of the important issues presented by these cases.

History of the Lake Superior Chippewa.

The Chippewa originally lived on the northeast coast of the United States. They were gradually driven westward by the powerful Iroquois and Six Nations tribes of New York and Canada. The tribe settled in the northern part of what is now the state of Wisconsin, on the Apostle Islands. While living on the islands the tribe subsisted by fishing and agriculture. As the Sioux moved further west from Wisconsin in the mid-seventeenth century the Chippewa gradually left the islands, settling around Lake Superior and the Mississippi, and dividing into several bands, of which the Lake Superior Chippewa is but one.

The Lake Superior band, also known as the *Ke-che-gum-me-win-in-e-wug*, or Great Lake men, settled in what now is northern Michigan, Wisconsin, and Minnesota. They lived primarily on the fish in Lake Superior. The report of the Commissioner of Indian Affairs in 1850 concludes:

> "The Lake Shore Chippewas have an inexhaustible resource in the fish, which plentifully abounds in the waters of the lake. They are naturally well disposed towards the whites, docile and harmless."

By the treaties of St. Peters in 1837, and La Pointe in 1842, the Indians ceded their Wisconsin lands to the United States government. In exchange, Article 5 of the 1837 treaty guaranteed the Chippewa hunting and fishing rights on ceded lands "during the pleasure of the President of the United States." The provisions of the 1842 treaty gave the Chippewa their hunting rights on ceded lands "until required to remove by the President of the United States."

On February 6, 1850, President Zachary Taylor invoked the power granted by the 1842 treaty and by executive order directed all of the Chippewa to remove themselves to unceded lands. Despite this order the Chippewa continued to reside in the northernmost part of the State of Wisconsin and to fish in Lake Superior.

Then, on February 27, 1854, in response to the presidential order of 1850, the Wisconsin legislature memorialized Congress as follows:

> "MEMORIAL *to the President and Congress of the United States, relative to the Chippewa Indians of Lake Superior.*
>
> "To His Excellency the President of the United States, and to the Senate and House of Representatives in Congress assembled:

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* *State v. Gunroe et al.* and *State v. Connors et al.*, 53 *Wisconsin Reports* 2nd, pp. 395-398.

"*The Memorial of the Legislature of the State of Wisconsin respectfully represents:*

"That the inhabitants of the counties of La Pointe and Douglass have nearly unanimously signed a petition showing to your memorialists, that the Chippewa Indians in the region of Lake Superior are a peaceable, quiet, and inoffensive people, rapidly improving in the arts and sciences: that they acquire their living by hunting, fishing, manufacturing maple sugar, and agricultural pursuits: that many of them have intermarried with the white inhabitants, and are becoming generally anxious to become educated and adopt the habits of the 'white man.'

"Your memorialists would therefore pray His Excellency, the President of the United States, to rescind the orders heretofore given for the removal of said Indians, and that such orders may be given in the premises, as shall secure the payment to said Indians, of their annuities at La Pointe, in La Pointe county on Lake Superior, that being the most feasible point therefor.

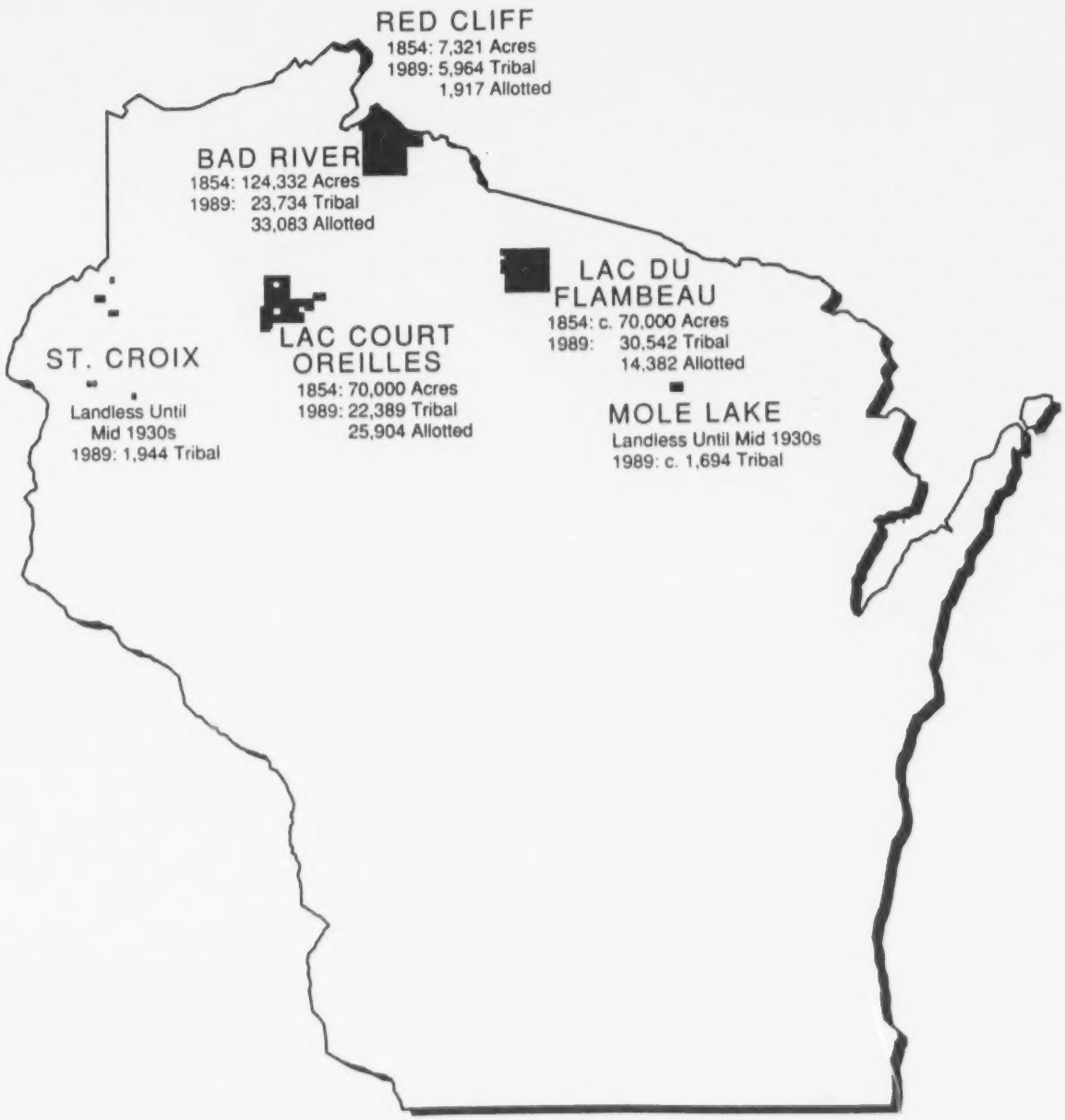
"And your memorialists also pray that the Senate and House of Representatives in Congress assembled will pass such laws as may be requisite to carry into effect such design and orders; and to encourage the permanent settlement of those Indians as shall adopt the habits of the citizens of the United States.

"And your memorialists firmly believing that justice and humanity require that such action should be had in the premises, will ever pray, etc.

"Approved, February 27, 1854."

On September 30, 1854, President Franklin Pierce signed the treaty under which appellants presently claim their rights. Article 2 of this treaty established reservations for the La Pointe (Bad River) band and . . . [the] (Red Cliff) band. The 1854 treaty represents a fundamental change in federal policy toward the Chippewa inasmuch as it sanctioned their remaining in Wisconsin instead of removal to the unceded lands.

Chippewa Reservations in Wisconsin*



* Ronald N. *Satz, Chippewa Treaty Rights* (Madison: Wisconsin Academy of Science, Arts and Letters, 1991), Fig. 23, p. 71.

Boarding School Experience*

One Week's Program of an Indian girl in the Prevocational Division, 1916.

The Prevocational Division consists of the Fourth, Fifth, and Sixth Grades, and these pupils attend school one-half of each day and work in one of the industrial departments the other half day.

The general program is about the same for each school day, with a few exceptions which have been noted.

Monday

6:00 A.M.	Rising Signal.
	Makes morning toilet and makes bed.
6:15 A.M.	Goes to Bakery to mix bread.
6:45 A.M.	Drill.
7:00 A.M.	Breakfast.
7:30 A.M.	Helps wash and dry dishes.
8:00 A.M.	Class in industrial instruction.
8:30 A.M.	Regular industrial detail work.
11:30 A.M.	Recall from work.
	Makes toilet for dinner.
	Goes to dining room to help dish up dinner.
11:50 A.M.	Drill.
12:00 P.M.	Dinner.
12:45 P.M.	Makes toilet for school and helps small girls get ready for school.
1:15 P.M.	School.
4:30 P.M.	Recall from school.
5:00 P.M.	Makes toilet for supper.
	Goes to dining room to cut bread.
5:15 P.M.	Line up for roll call and drill.
6:00 P.M.	Supper.
6:30 P.M.	Helps clean tables and wash dishes.
7:00 - 8:00 P.M.	Library Hour.
9:00 P.M.	Retiring Signal.

Tuesday

4:00 P.M.	Bathing Day.
7:00 - 7:30 P.M.	Physical Training and Basket Ball in Gymnasium.
7:30 P.M.	Bathing if not done at 4:00 P.M.
	Unrestricted.

* *Miscellaneous Correspondence Relating to Education, 1913-1922*, Record Group 75, Box 923925, National Archives, Great Lakes Region, Chicago, Illinois.

Wednesday

7:00 P.M.	Moving Pictures.

Thursday

7:30 - 8:30 P.M.	Religious instructions, both Protestant and Catholic.
8:30 - 9:00 P.M.	Basket Ball and physical training in gymnasium.

Friday

7:00 - 8:00 P.M.	Homaway Literary Society meeting, alternating with Large Pupils' Socials.

Saturday

8:00 to 11:30 A.M.	Industrial departments in session half day for girls.
1:00 - 2:00 P.M.	General personal sanitary inspection.
2:00 - 5:00 P.M.	Unrestricted recreation, basket ball in gymnasium, etc.
7:00 - 8:30 P.M.	Unrestricted. Reads, writes, plays, basket ball in gymnasium, according to her personal preference.
9:00 P.M.	Retiring Signal.

Sunday

9:00 A.M.	General school inspection, first, and third Sunday of month.
10:00 A.M. - 12:00 P.M.	Instruction and Mass for Catholic pupil. Sunday School and Church Services for Protestant pupil.
12:30 P.M.	Dinner.
1:00 P.M.	Unrestricted, plays, reads or writes letters.
3:00 - 4:00 P.M.	Christian Endeavor. (Voluntary for Protestant pupils.)
4:00 - 5:00 P.M.	Unrestricted.
5:30 P.M.	Supper.
7:00 - 8:00 P.M.	General Assembly.
9:00 P.M.	Retiring Signal.

One Week's Program of an Indian boy in the Prevocational Division, 1916.

The Prevocational Division consists of the Fourth, Fifth, and Sixth Grades, and these pupils attend school one-half of each day and work in one of the industrial departments the other half day.

The general program is about the same for each school day, with a few exceptions which have been noted.

Monday

6:00 A.M.	Rising Signal.
	Makes morning toilet and makes bed.
	Goes to barn to do chores.
6:45 A.M.	Morning Military Drill.
7:00 A.M.	Breakfast.
7:30 A.M.	Makes his own bed and helps clean boys' building.
	Makes toilet for work.
8:00 A.M.	Reports for work on detail.
8:00 - 8:20 A.M.	Class in either, farming, gardening, engineering, or carpentry.
8:20 A.M.	Regular Detail Work
11:30 A.M.	Recall from work.
	Makes toilet for dinner.
11:50 A.M.	Military Drill.
12:00 P.M.	Dinner.
12:40 P.M.	Makes toilet for school.
1:15 P.M.	School.
4:30 P.M.	Recall from school.
	Goes to barn to do chores.
5:00 P.M.	Recall.
5:15 P.M.	Makes supper toilet.
5:30 P.M.	Supper.
6:45 P.M.	Drilling Exercises.
7:00 - 8:00 P.M.	Physical culture and basket ball in gymnasium.
9:00 P.M.	Retiring Signal.

Tuesday

6:30 - 7:30 P.M.	Library hour.
7:30 - 8:30 P.M.	Physical culture and basket ball in gymnasium.
9:00 P.M.	Retiring Signal.

Wednesday

7:00 P.M.	Moving Pictures in school auditorium.

Thursday

6:00 - 7:00 P.M.	Bathing.
7:30 - 8:30 P.M.	Religious instructions at school house. (For both Catholic and Protestant pupils)
9:00 P.M.	Retiring Signal

Friday

7:00 P.M.	Literary Society at school auditorium or Large Pupils' Social at gymnasium on alternating Fridays.

Saturday

7:30 - 11:30 A.M.	Makes bed and helps clean boys' building. Allowed to go to town until 11:30 A.M.
1:00 - 5:00 P.M.	Regular detail work.
7:00 - 8:45 P.M.	Basket ball in gymnasium.

Sunday

9:00 A.M.	General school inspection, first and third Sunday of each month.
10:00 A.M. - 12:00 P.M.	Sunday School and Church services for Protestant pupils. Instruction and Mass for Catholic Pupils. (Attendance compulsory)
12:30 P.M.	Dinner.
1:00 - 5:00 P.M.	Unrestricted.
3:00 - 4:00 P.M.	Christian Endeavor. (Voluntary for Protestant)
7:00 - 8:00 P.M.	General Assembly in school auditorium.

The English Language in Indian Schools*

In the report of this office for 1885 incidental allusion was made to the importance of teaching Indians the English language, the paragraph being as follows:

> A wider and better knowledge of the English language among them is essential to their comprehension of the duties and obligations of citizenship. At this time but few of the adult population can speak a word of English, but with the efforts now being made by the Government and by religious and philanthropic associations and individuals, especially in the Eastern States, with the missionary and the school-master industriously in the field everywhere among the tribes, it is to be hoped, and it is confidently believed, that among the next generation of Indians the English language will be sufficiently spoken and used to enable them to become acquainted with the laws, customs, and institutions of our country.

The idea was not a new one. As far back as 1868 the commission known as the "Peace Commission," composed of Generals Sherman, Harney, Sanborn, and Terry, and Messrs. Taylor (then Commissioner of Indian Affairs), Henderson, Tappan, and Augur, embodied in the report of their investigations into the condition of Indian tribes their matured and pronounced views on this subject, from which I make the following extracts:

> The white and Indian must mingle together and jointly occupy the country, or one of them must abandon it. * * * What prevented their living together? * * * Third. The difference in language, which in a great measure barred intercourse and a proper understanding each of the other's motives and intentions. Now, by educating the children of these tribes in the English language these differences would have disappeared, and civilization would have followed at once. Nothing then would have been left but the antipathy of race, and that, too, is always softened in the beams of a higher civilization. * * * Through sameness of language is produced sameness of sentiment, and thought; customs and habits are moulded and assimilated in the same way, and thus in process of time the differences producing trouble would have been gradually obliterated. By civilizing one tribe others would have followed. Indians of different tribes associate with each other on terms of equality; they have not the Bible, but their religion, which we call superstition, teaches them that the Great Spirit made us all. In the difference of language to-day lies two-thirds of our trouble. * * * Schools should be established, which children should be required to attend; their barbarous dialect should be blotted out and the English language substituted. * * * The object of greatest solicitude should be to break down the prejudices of tribe among the Indians; to blot out the boundary lines which divide them into distinct nations, and fuse them into one homogeneous mass. Uniformity of language will do this — nothing else will.

In the regulations of the Indian Bureau issued by the Indian Office in 1880, for the

* Commissioner of Indian Affairs, *Annual Report to the Secretary of the Interior for 1887* (Washington D.C.: Government Printing Office, 1887).

guidance of Indian agents, occurs this paragraph:

> All instruction must be in English, except in so far as the native language of the pupils shall be a necessary medium for conveying the knowledge of English, and the conversation of and communications between the pupils and with the teacher must be, as far as practicable, in English.

In 1884 the following order was issued by the Department to the office, being called out by the report that in one of the schools instruction was being given in both Dakota and English:

> You will please inform the authorities of this school that the English language only must be taught the Indian youth placed there for educational and industrial training at the expense of the Government. If Dakota or any other language is taught such children, they will be taken away and their support by the government will be withdrawn from the school.

In my report for 1886 I reiterated the thought of my previous report, and clearly outlining my attitude and policy I said:

> In my report I expressed very decidedly the idea that Indians should be taught the English language only. From that position I believe, so far as I am advised, there is no dissent either among the lawmakers or the executive agents who are selected under the law to do the work. There is not an Indian pupil whose tuition and maintenance is paid for by the United States Government who is permitted to study any other language than our own vernacular — the language of the greatest, most powerful, and enterprising nationalities beneath the sun. The English language as taught in America is good enough for all her people of all races.

Longer and closer consideration of the subject has only deepened my conviction that it is a matter not only of importance, but of necessity that the Indians acquire the English language as rapidly as possible. The Government has entered upon the great work of educating and citizenizing the Indians and establishing them upon homesteads. The adults are expected to assume the role of citizens, and of course the rising generation will be expected and required more nearly to fill the measure of citizenship, and the main purpose of educating them is to enable them to read, write, and speak the English language and to transact business with English-speaking people. When they take upon themselves the responsibilities and privileges of citizenship their vernacular will be of no advantage. Only through the medium of the English tongue can they acquire a knowledge of the Constitution of the country and their rights and duties thereunder.

Every nation is jealous of its own language, and no nation ought to be more so than ours, which approaches nearer than any other nationality to the perfect protection of its people. True Americans all feel that the Constitution, laws, and institutions of the United States, in their adaptation to the wants and requirements of man, are superior to those of any other country; and they should understand that by the spread of the English language will these laws and institutions be more firmly established and widely disseminated. Nothing so surely and perfectly stamps upon an individual a national characteristic as language. So manifest and important is this that nations the world over, in both ancient and modern times, have ever imposed the strictest requirements upon their public schools as to the teaching of the national tongue. Only English has been allowed to be taught in the public schools in the territory acquired by this country from Spain, Mexico, and Russia, although the native populations spoke another tongue. All are familiar with the recent prohibitory order of the German Empire forbidding the teaching of the French language in either public or private schools in Alsace and Lorraine. Although the population is almost universally opposed to German rule,

they are firmly held to German political allegiance by the military hand of the Iron Chancellor. If the Indians were in Germany or France or any other civilized country, they should be instructed in the language there used. As they are in an English-speaking country, they must be taught the language which they must use in transacting business with the people of this country. No unity or community of feeling can be established among different peoples unless they are brought to speak the same language, and thus become imbued with like ideas of duty.

Deeming it for the very best interest of the Indian, both as an individual and as an embryo citizen, to have this policy strictly enforced among the various schools on Indian reservations, orders have been issued accordingly to Indian agents, and the text of the orders and of some explanations made thereof are given below:

December 14, 1886.

In all schools conducted by missionary organizations it is required that all instructions shall be given in the English language.

February 2, 1887.

In reply I have to advise you that the rule applies to all schools on Indian reservations, whether they be Government or mission schools. The instruction of the Indians in the vernacular is not only of no use to them, but is detrimental to the cause of their education and civilization, and no school will be permitted on the reservation in which the English language is not exclusively taught.

July 16, 1887.

Your attention is called to the regulation of this office which forbids instruction in schools in any Indian language. This rule applies to all schools on an Indian reservation, whether Government or mission schools. The education of Indians in the vernacular is not only of no use to them, but is detrimental to their education and civilization.

You are instructed to see that this rule is rigidly enforced in all schools upon the reservation under your charge.

No mission school will be allowed upon the reservation which does not comply with the regulation.

The following was sent to representatives of all societies having contracts with this bureau for the conduct of Indian schools:

July 16, 1887.

Your attention is called to the provisions of the contracts for educating Indian pupils, which provides that the schools shall "teach the ordinary branches of an English education." This provision must be faithfully adhered to, and no books in any Indian language must be used or instruction given in that language to Indian pupils in any school where this office has entered into contract for the education of Indians. The same rule prevails in all Government Indian schools and will be strictly enforced in all contract and other Indian schools.

The instruction of Indians in the vernacular is not only of no use to them, but is detrimental to the cause of their education and civilization, and it will not be permitted in any Indian school over which the Government has any control, or in which it has any interest whatever.

This circular has been sent to all parties who have contracted to educate Indian pupils during the present fiscal year.

You will see that this regulation is rigidly enforced in the schools under your direction where Indians are placed under contract.

I have given the text of these orders in detail because various misrepresentations and complaints in regard to them have been made, and various misunderstandings seem to have arisen. They do not, as has been urged, touch

the question of the preaching of the Gospel in the churches nor in any wise hamper or hinder the efforts of missionaries to bring the various tribes to a knowledge of the Christian religion. Preaching of the Gospel to Indians in the vernacular is, of course, not prohibited. In fact, the question of the effect of this policy upon any missionary body was not considered. All the office insists upon is that in the schools established for the rising generation of Indians shall be taught the language of the Republic of which they are to become citizens.

It is believed that if any Indian vernacular is allowed to be taught by the missionaries in schools on Indian reservations, it will prejudice the youthful pupil as well as his untutored and uncivilized or semi-civilized parent against the English language, and, to some extent at least, against Government schools in which the English language exclusively has always been taught. To teach Indian school children their native tongue is practically to exclude English, and to prevent them from acquiring it. This language, which is good enough for a white man and a black man, ought to be good enough for the red man. It is also believed that teaching an Indian youth in his own barbarous dialect is a positive detriment to him. The first step to be taken toward civilization, toward teaching the Indians the mischief and folly of continuing in their barbarous practices, is to teach them the English language. The impracticability, if not impossibility, of civilizing the Indians of this country in any other tongue than our own would seem to be obvious, especially in view of the fact that the number of Indian vernaculars is even greater than the number of tribes. Bands of the same tribes inhabiting different localities have different dialects, and sometimes can not communicate with each other except by the sign language. If we expect to infuse into the rising generation the leaven of American citizenship, we must remove the stumbling-blocks of hereditary customs and manners, and of these language is one of the most important elements.

Commissioner of Indian Affairs Report for 1891*

Report of La Pointe Agency

La Pointe Agency
Ashland, Wis., September 10, 1891

SIR: I have the honor to submit herewith my third annual report.

In the La Pointe Agency are seven reservations, four in Wisconsin and three in Minnesota. Those in Wisconsin are the Lac Court d'Oreilles, Bad River, Lac du Flambeau, and Red Cliff, and those of Minnesota the Boise Forte, Fond du Lac, and Grand Portage. Following is a brief description of each of them:

Lac Court d'Oreilles Reservation.—This reservation is located 80 miles from Ashland and 22 miles in a southeasterly direction from Hayward, a station on the Chicago, St. Paul, Minneapolis, and Omaha Railroad. It occupies portions of townships 38, 39, and 40 north, of ranges 6, 7, 8, and 9, west of the fourth principal meridian, in Sawyer County, Wis. The surface is gently rolling and the forests include all the varieties of timber found in the northern part of Wisconsin. Among the hard woods are oak, ash, elm, maple, and birch, and among the soft woods are basswood, white and norway pine, spruce, and cedar. The soil varies from a light sand to a heavy clay, and is well adapted to agriculture and pasturage. The country is well watered with springs, brooks, and numerous lakes, varying in extent from a few acres to several square miles.

The large lakes are well supplied with different varieties of fish. Game is scarce. Indigenous fruits, strawberries, raspberries, blueberries, and cranberries are found in great abundance.

On this reservation are two villages, Lac Court d'Oreilles and Pahquauhwong, and a good wagon road connects these settlements with Hayward. The houses, both frame and log are well built. They are generally provided with tables, chairs, beds, and other appurtenances, and were built with the proceeds of timber sold from allotments in former years. It would have been better for the owners if the houses had been placed on the allotments and an earnest effort had been made to clear the land for cultivation and to establish thereon permanent homes. In the best homes are found the most progressive of the Indians.

At Lac Court d'Oreilles are found a Government day school, a Catholic mission day school, and a Catholic church. At Pahquauhwong are a Government day school and Catholic church. These people have made considerable progress in the way of civilization; they wear the garb and many of them speak the language of their white neighbors, and they are taking quite an interest in the cultivation of the soil. During the winter most of the able-bodied men are engaged in the numerous logging camps scattered along the Chippewa River and its tributaries, and in the spring they find remunerative employment in driving the logs to market or the mills on the lower river. This is a laborious and hazardous vocation, but one to which they seem peculiarly adapted. They are self-supporting, and receive no aid from the Government except a small allow-

* Commissioner of Indian Affairs, *Annual Report to the Secretary of the Interior for 1891* (Washington DC: Government Printing Office, 1891).

ance distributed in the winter season to those who from age, disease, or other infirmity are unable to procure sufficient subsistence. The Government also provides them with medicine and medical attendance. They are unable to support needed schools and to provide necessary medical attendance, but in all other respects they are able to take care of themselves.

Bad River Reservation.—This reservation is in Ashland County, Wis., and is bounded on the north by Chequamegon Bay and Lake Superior. It lies in townships 46, 47, and 48 north, of ranges 2, 3, and 4 west of fourth principal meridian, and includes 124,333 acres. It is traversed by two streams — the Bad River and the White River, its main tributary. The water of Bad River flows into Lake Superior. Some parts of the reservation are hilly and rugged, others gently undulating, and still others quite level. It was formerly covered with a dense growth of timber, excepting that portion occupied by the delta of Bad River. The lands in the valleys of the rivers are exceedingly fertile, no better soil being found in northern Wisconsin. The high lands adjacent to the rivers, when cleared of timber, furnish good pasturage.

The timber includes nearly every variety known to the forests of northern Wisconsin — birch, ash, elm, soft and sugar maple, as well as numerous evergreens, balsam fir, cedar, spruce, white pine, Norway pine, and hemlock, from which resources the Indians derive a large portion of their support. Many of them hold lands in severalty, and from these lands they manufacture railroad ties, fence posts, telegraph poles, cord wood and mining timber for the mines along the Gogebic iron range.

All these forest products find a convenient and profitable market along the lines of the two great railways that traverse the reservation — the Duluth, South Shore, and Atlantic Railway, that crosses the southern border, and the Milwaukee, Lake Shore, and Western Railway in the northern part.

The principal settlement is in the vicinity of Odanah, a station on the Milwaukee, Lake Shore, and Western Railway, 10 miles east of the city of Ashland. It is located in the fertile valley of Bad River, and on all sides may be seen the comfortable houses and cultivated farms of the natives, with two stores of general merchandise owned and managed by Indians. Here also is the Catholic day and boarding school, the Catholic church, the Presbyterian church, and the Presbyterian schoolhouse, in which, however, school has been discontinued for several years. There is also a public school recently established, a part of the common school system of the State of Wisconsin.

The United States Government has no school on this reservation, but it instructs and maintains a number of pupils at the Catholic school under the contract system; 420 of these people are followers of Christianity, and are about equally divided between the denominations above mentioned.

If their lands were allotted and the surplus lands disposed of they could be left to solve their own problems and to work out their own destiny, the same as any other citizen of the State of Wisconsin.

They are familiar with farming, and the more difficult art of manufacturing and handling the product of the forests is as well known to them as to their white neighbors, with whom they have been associated in that branch of industry for many years. Except in the matter of schools, national supervision over them is needless, and the opportunity to appeal to the General Government for support is a source of weakness, not of strength. The nonprogressives claim that the less the Indian does for himself the more the Government will do for him, and the more he does for himself the less the Government will do, and this argument is employed by the idle and shiftless to discour-

age those who are disposed to be industrious. When the Government is eliminated from the problem this argument will be shorn of its strength. These Indians are as highly civilized to-day as they ever will be while they remain wards of the General Government.

Lac du Flambeau Reservation.—This reservation is found in Oneida County, State of Wisconsin. Its area includes 62,817 acres, in townships 39, 40, and 41 north, of ranges 4, 5, and 6 east of the fourth principal meridian. The surface is undulating, and is broken by numerous lakes ranging in size from a few acres to 5 or 6 square miles. Some portions are low and swampy and covered with a dense growth of spruce and cedar, and there are open meadows which produce a luxuriant growth of grass.

The soil in some portions is quite sandy; in others it is a loam with gravel subsoil. Excellent water is found everywhere in springs, lakes, and streams. This territory was formerly well covered with timber. In many places over large areas only tall stubs blackened by forest fires remain to tell the story of the destitution that has been wrought in former years. Among the deciduous trees are found elm, ash, sugar maple, birch, basswood, and tamarack, and the evergreens are represented by hemlock, spruce, cedar, white and Norway pine. Nor is the country lacking in a supply of native fruits—strawberries, raspberries, blackberries, blueberries, and cranberries. Wild rice flourishes in some of the streams and lakes. The supply of fish is meager, and the game has disappeared. Beyond the limit of the reserve the deer and other game are protected by the State laws, and the Indians can not capture such game out of season without incurring the penalties of the law. These conditions have cut off the supply of food on which they have been accustomed to rely, and they have been compelled to turn to the cultivation of the soil for support. As a consequence during the last two years they have made considerable progress in the art of farming.

The principal crop is potatoes. Last year the yield was abundant, but this year, on account of continued drought, the prospect is not encouraging.

This reservation is not lacking in natural resources, yet these people are the poorest of any in the La Pointe Agency. Until recently they had no school and they lack intelligence and experience.

They have associated less with the whites and have participated less in the labor of the logging camps than any other of the Wisconsin Chippewas. The logging camp is not a Sunday school, but it teaches them the most important lesson they have to learn in the effort to compass civilization, the value of persistent labor. The logging camp harbors no idlers, its heavy work commences at dawn and is pursued with unabated vigor until darkness closes the scene. The Indian graduate of the logging camp may acquire some vices, but indolence and mendacity are not among them. On account of their extreme poverty it is very difficult for them to make a start on the highway of civilization, and they must be assisted in order to enable them to begin the work. They have a valuable property in pine timber, which should be utilized for their benefit. Their lands should be allotted, the pine timber sold, and the proceeds devoted to the establishment of a home upon the allotment for the allottee. With a little field ready for cultivation, a house provided furnished with some of the conveniences of civilized life, and a supply of the necessary tools of husbandry, the Indian would soon learn that he has the ability to take care of himself.

They possess a large supply of small timber, which manufactured into ties, poles, etc., would yield a revenue sufficient to keep them from want. An important line of railway crosses their reservation and affords a ready market for all these forest prod-

ucts. With a little help and a little experience they would soon be able to manufacture and market their surplus small timber as advantageously as their neighbors at Bad River. It is impracticable to protect the timber from the ravages of forest fires, and the sooner all that part of it having commercial value is disposed of the better.

The principal village is at the foot of Lac du Flambeau. It contains houses substantially built, some of frame, others constructed of hewn logs; the Government school, the farmer's residence, Catholic chapel, and three small stores owned by Indians.

A few speak English and all wear the usual apparel of white people. A few are members of the Catholic Church; the rest are pagans.

Red Cliff Reservation.—This reservation is 25 miles north from Ashland and 5 miles from Bayfield, the nearest railroad station. It lies along the shore of Lake Superior, adjacent to the Apostle Islands, occupying a strip of country varying from one-half to 2½ miles in width and nearly 25 miles in length. Its area is 11,457 acres, its surface gently rolling, and its natural resources are immense. It is well supplied with timber, all the varieties found in northern Wisconsin, and possesses an inexhaustible supply of the finest building stone to be found in the United States, which is known in commerce as the brown sandstone of Lake Superior, and is found in bold cliffs overhanging the waters of the lake. The quarries are not yet opened on the Indian lands, but at no very distant day these magnificent deposits of sandstone will yield a princely revenue to their fortunate owners.

The reservation is well watered with springs and creeks and the soil is fertile. The wild fruits, strawberries, raspberries, blueberries, and cranberries abound. As a rule abundant crops reward the labors of the husbandman, and excepting in swampy sections, the entire reserve is well adapted to agriculture. The waters of the lake yield a bountiful supply of excellent fish and the surplus catch and all other surplus products find a ready market in the city of Bayfield. In capturing the fish both gill nets and pound nets are employed. The natives own a small fleet of sailboats, and in navigating their little craft they display the confidence and skill of experienced sailors.

The Indian village is located on Buffalo Bay, about 5 miles from Bayfield, and a good wagon road affords easy communication between the two places. There are no Government employes on the reservation and no Government building except the schoolhouse. The school is conducted by Catholic Sisters under contract with the Government. The Catholics have a chapel here and most of them are members of the Catholic Church. They receive but little assistance from the Government and are practically self-supporting. Nearly all of them occupy log houses provided with many of the comforts and conveniences enjoyed by their white neighbors. They are all fairly well dressed and most of them speak some English. On the whole, they seem to be enjoying their share of the happiness allotted to human kind.

Census.—The aggregate population of these reservations is 4,930 and is distributed among the reservations as follows:

Lac Court d'Oreilles	1,226
Vermillion Lake	800
Fond du Lac	761
Lac du Flambeau	683
Bad River	626
Red Cliff	511
Grand Portage	323
Total	4,930

It is a very difficult undertaking to obtain an accurate enumeration of these Indians. In many cases it is necessary to rely upon the statement of the chief for the census of a number of the families in his band. The foregoing statement was obtained after diligent inquiry and may be regarded as substantially correct. The following table compiled from the census returns presents the numbers of the different classes of persons required by section 211 of the Indian Regulations:

Name and band	Males above 18 years	Females above 14 years	School children between 6 and 16 years
Lac Court d'Oreilles	365	410	326
Vermillion Lake	258	251	187
Fond du Lac	188	254	233
Lac du Flambeau	216	265	155
Bad River	220	222	150
Red Cliff	134	138	175
Grand Portage	84	104	77
Total	1,465	1,644	1,303

Employes.—The following table contain[s] a list of the agency employes, gives the position occupied by each, and the place at which they are located:

Name	Position	Where Employed
R. G. Rodman	Clerk	Agency
J. K. McDonald	Additional Farmer	Vermillion Lake
Daniel Sullivan	Do[1]	Lac du Flambeau
William G. Walker	Do	Bad River
J. W. Morgan	Do	Lac Court d'Oreilles
J. P. Cox	Physician	Do
George E. Wheeler	Blacksmith	Vermillion Lake

During the past year they have been faithful in the discharge of the duties assigned them.

The work devolving upon the solitary clerk allowed this office is greater than one person can properly perform and it has been found necessary to impose upon the time and good nature of some of the teachers and farmers to assist him. This method of transacting business is very unsatisfactory, but it is unavoidable so long as the clerical force of the office is limited to one person.

By direction of the Indian Office the official interpreter was dismissed at the beginning of the year, which renders it necessary for the Indians to bring an interpreter with them. The absence of this employe is felt in the office as he was accustomed to lend considerable assistance to the clerk.

Farming.—During the past year considerable improvement has been made in the matter of farming, the Indians having taken a livelier interest in the work than ever

[1] "Do" is synonymous with ditto.

before. But little attention has as yet been given to the cereals. The principal crops are hay and potatoes. Onions, turnips, rutabagas, pease, and beans have been produced in large quantities.

The following statement shows the amount of the principal farming products during the year:

Hay	tons	1,692
Potatoes	bushels	21,650
Turnips	do	7,575
Onions	do	420
Cabbage	do	560
Beans	do	175

The raising of domestic animals by the Indian is not a success: his is too indifferent to their comfort in the winter season to provide the requisite shelter and fodder; he is disposed to let them shift for themselves; and the winters in this latitude are too severe and protracted and the snows too deep to permit domestic animals to sustain themselves without a supply of forage. Some of them own horses and cattle and provide them with food and shelter. On the several reservations they own 145 horses, 373 cattle, and 94 hogs. Besides the farm products they harvest and sell to the neighboring white settlers large quantities of wild fruits, strawberries, raspberries, blackberries, blueberries, cranberries, and plums.

In many of the streams and lakes of these reservations wild rice grows luxuriantly. This important cereal is carefully harvested by the Indians, and constitutes an important part of their subsistence stores. It is palatable and nutritious and by many white people is preferred to the white rice of commerce. The rice fields are the resort of numerous wild fowl, which are captured by the Indians and either consumed at home or sold in the neighboring towns. The revenue thus derived from the rice fields renders them a very important part of the Indian domain.

Last spring the Department furnished each of the farmers on the Fond du Lac, Lac Courte d'Oreilles, and Lac du Flambeau Reservations with teams, plow and harrow for the use of the Indians, and under their direction many of the Indians learned for the first time that it is not a very difficult undertaking to hold a plow. They manifested unusual interest in tilling the soil and kept the teams constantly engaged during the planting seasons. New fields have been plowed and fenced, and the work of cultivating has been carried on in such a measure as to afford great encouragement to the Government farmers.

The work of clearing a farm in a timbered country is a slow, laborious process even for a white man. Success in this work requires great energy and persistence, qualities but feebly developed in the Indian. His movements are spasmodic, and he is easily discouraged: he lacks patience, and if the reward of his labor is remote he is not disposed to pursue it with energy. The maturity of a crop lies too far in the future to excite his cupidity or rouse him from his lethargy. In his native state he plunged into the woods in the morning on his hunting expedition, and at night returned with his game. The ancient habit still attaches to him, and at the end of the day he wants his pay. For this reason his is much better satisfied to work in the woods in the manufacture of the various forest products, than to devote his time to farming. Years of association with the whites in logging operations have vested many of them with skill in woodcraft, and they are competent judges of quality and price. For a number of

years the principal and favorite occupation of most of them will be the preparation of timber for the market. The returns are more prompt and more certain than those of agriculture.

When the timber is gone the woodsmen will be found on the farm. The timber is perishable, many thousands of acres being destroyed every year by wind and fires and the sooner the Indians dispose of their timber the sooner they will resort to agriculture to secure their living. No precautions can save the timber from destruction by fire and for this reason I have constantly urged the Indians to persevere in the work of cutting and disposing of it under the rules prescribed by the Department.

Under these circumstances occasional complaints of trespass are unavoidable; but it is less annoying and mortifying to entertain the suspicion that an Indian has cut over the lines or ommitted some petty violation of the timber regulations than to see him hanging about this office begging for bread.

The nonprogressive Indians are full of complaints and are continually interfering with those who are disposed to be industrious. They will do no work themselves and will allow no one else to engage in honest industry if they can prevent it, claiming that the Government should take care of them.

These idlers are usually self-styled chiefs or medicine men who labor to perpetuate the tyranny of the tribe over the individual. They pose as representatives of the tribe out of which they manage in some mysterious way to sponge a living. They are not slow to perceive that the destruction of the tribal relation means the loss of their occupation; hence their opposition to any movement intended to liberate the individual from the thraldom of the band.

Allotments.—No allotments have been made during the last four years. Arrangement has been made for a speedy allotment of land to the Indians of Minnesota under the provisions of the general allotment act, and it will not be very long before all the Indians of Minnesota will be provided with lands in severalty, either on the reservations where they belong or at the White Earth Reservation. No steps have yet been taken to bring about the general allotment of lands to the Wisconsin Indians of the La Pointe Agency, but they are anxious for allotments, either under the treaty of 1854 or under the provisions of the allotment act.

By directions of the Indian Office, schedules of allotments of Bad River and Lac du Flambeau Indians were sent to the Department last October, but have not yet been approved. These Indians claim that treaty allotments have hitherto been accorded to them whenever they asked for them, and they can not understand why the Government should at this late day adopt a different policy. The failure to make these allotments has created a feeling of hostility, which finds expression in a general dissatisfaction with the management of their affairs.

The Indians have risen to an appreciation of the value of the ownership of land in severalty, and they are reluctant to go upon a piece of land to undertake its improvement, and to establish a home until they hold an undisputed title. It is clear that the best movement the Government can make to subserve the interest of these Indians is to allot their lands and to dispose of the surplus at an early day. The presence of tribal property will tend to perpetuate the tribal influence, which is everywhere retrogressive.

Whether the lands are allotted or not, measures should be adopted to dispose of the pine timber which is exposed to inevitable destruction by fire. The risk has greatly increased in the last few years. Every winter thousands of men are engaged in cutting pine timber in the forests surrounding these reserves; the slashings thus made are exceedingly inflammable, and give rise to extensive forest fires which sweep over many

miles of territory, and kill or destroy all the timber in their pathway. The money arising from the sale of timber should be taken and managed by the Government in such a way as to confer upon the Indians a permanent benefit. It should be expended in making clearings and houses on the allotments in providing household furniture and the ordinary implements of husbandry. This plan would give the Indians a start, and they would gradually be able to supply their needs from the products of the farm.

The experience at this agency has shown that any considerable sums of money paid to Indians is a great damage to them, as they will promptly exchange their money for whisky, which means mental, moral, and physical degradation. Cash payments should be avoided except as compensation for labor performed.

The following table indicates the number of allotments made on each of these reservations to date, the number of allottees, male and female, and the number of acres allotted:

Name of Reservation	No. of allotments	Sex of allottees		Number of acres allotted
		Male	Female	
Lac Courte d'Oreilles	477	315	162	37,582.56
Bad River	357	246	111	27,437.79
Fond du Lac	99	59	43	7,805.75
Lac du Flambeau	89	57	32	7,086.32
Red Cliff	35	28	7	2,535.91
Total	1,057	705	355	82,448.22

Schools.—Connected with this agency are 13 schools, 11 day and 2 boarding schools. Of the day schools 6 are maintained by the Government and 5 by religious denominations.

The following table gives the names of the several schools, their location, the names of the teachers, and the compensation of those paid through this office:

Name of school	Reservation where situated	Average attendance	Name of teacher	Salary per annum
Day school				
Lac du Flambeau	Lac du Flambeau	32	Cordelia Sullivan	$600
			Julia Curran	400
Fond du Lac	Fond du Lac	22	Celia J. Durlee	600
Vermillion Lake	Vermillion Lake	36	A. L. Flett	600
			Anna Flett	400
Pahquauhwong	Lac Courte Oreilles	26	A. F. Geraghty	600
			Carrie Geraghty	400
Grand Portage	Grand Portage	7	J. A. McFarland	480
Lac Courte d'Oreilles	Lac Courte Oreilles	15	Nora Morgan	600
Catholic Mission	do	55	Sr. Fabiola	
Round Lake Mission	do	12	S. A. Dougherty	
			C. A. Dougherty	

Name of school	Reservation where situated	Average attendance	Name of teacher	Salary per annum
Red Cliff	Red Cliff	35	Sr. M. V. Hunk	
Parochial	Bayfield, Wis	58	Sr. M. S. Reineck	
St. Mary's	Bad River	30	Sr. Kunigunda	
Boarding Schools				
St. Mary's	Bad River	32	Sr. Kunigunda	
Bayfield	Bayfield, Wis	38	Sr. M. S. Reineck	

The boarding school at Bayfield, the day school at Red Cliff, both the day and the boarding school at Bad River, and the day school at Lac Courte d'Oreilles are conducted by sisters under the direction of the Catholic Bureau of Indian Missions. The Round Lake mission day school, taught by the Misses Dougherty, is maintained by the Presbyterian Board of Foreign Missions.

The schools conducted by the Catholic sisters are paid by the Government a compensation of $7.50 per quarter for each pupil in the day schools, and $27 per quarter for each pupil in the boarding schools.

All these teachers have labored assiduously in the discharge of the onerous duties imposed upon them, and they are entitled to great praise for the measure of success which their zeal and energy have secured.

The great difficulty in the way of progress is found in the irregular attendance; the seasons of berry-picking, sugar-making, and the rice harvest take the Indian and his family out of the settlement and away from the school. These frequent interruptions are a serious hindrance to the progress of the pupil. Frequent absence also adds largely to the labor of the teacher as it renders a proper classification of the pupils well nigh impossible. The progress of the pupil in the day school is slow, but this should occasion no surprise when the unpropitious surroundings are taken into consideration. The child is not kept at school continuously; he is not properly clothed and fed, and spends six hours a day in the civilizing influence of the school and eighteen in the atmosphere of barbarism. He is in utter ignorance of the language of the school, and before he can make a beginning in the work before him he must learn to receive and convey ideas in a foreign tongue. This is a slow process, especially when play-mates and parents in ordinary intercourse employ only the native language.

To transform these Indian children into intelligent men and women they must be properly fed, clothed, and trained, and these conditions can be supplied only by the boarding school.

The teachers of the Government day schools all agree that the noon lunch exercises a potent influence in securing attendance. Many of the children seem to be provided with no food during the day except that distributed to them at noon by the teachers and many are scantily clad and must suffer from cold during the rigorous winter of this high northern latitude. Under such circumstances those at a distance are compelled to remain at home, and some families are located so far from the villages that their children are not able to attend school at all.

In order to provide these children with the literary and industrial training essential to transform them into worthy citizens, Government boarding schools should be established on all the reserves of this agency.

The following table shows the number of persons of school age, the number enrolled in the schools, the average attendance for the year and for the last quarter of the year:

Name of reservation	Persons of school age	Number enrolled in schools	Average attendance for year	Average attendance for last quarter of year
Lac Court d'Oreilles	326	220	110	105
Vermillion Lake	187	67	36	40
Fond du Lac	233	52	22	21
Lac du Flambeau	155	78	—[2]	36
Bad River	150	129	—	90
Red Cliff	175	44	—	32
Grand Portage	77	20	—	8
Total	1,303	610	—	332

Police.—During the year 17 policemen have been employed on the several reservations. These men are distributed as follows: 5 at Bad River, 3 at Lac Court d'Oreilles, 3 at Fond du Lac, 3 at Lac du Flambeau, and 3 at Vermillion Lake.

The only serious trouble arising on these reservations has its origin in drunkenness. The Indians are as quiet and law-abiding as any white community as long as they are free from intoxicating liquor, but when under its influence they are disorderly and dangerous.

The police are valuable aids to the farmers in preventing the introduction of liquor upon the reserves, but the efforts to maintain order would be greatly promoted by the presence of a jail on each of the reserves.

Justice is administered in the local tribunals and in the United States courts. Cases of petty larceny, assault and battery, wife-beating, using indecent language, have been prosecuted in the local courts and the culprits fined and imprisoned in accordance with the provisions of the penal code of the State. These proceedings impress them with the fact that they are governed by law, and exercise a powerful influence.

Sanitary condition.—During the past year the Indians have suffered considerably from la grippe, and a number of deaths occurred among the Boise Fortes from this epidemic. Pulmonary consumption prevails and the greatest mortality is occasioned by that dread disease.

The Government provides no medical attendance for any of these reservations except Lac Court d'Oreilles, whose medical needs are supplied by Dr. J. P. Cox, the agency physician. On account of the great distance separating the reserves it is not practicable for the doctor to visit the other bands of Indians, and his services are restricted to the people at Lac Court d'Oreilles.

Railroads.—The Duluth, South Shore and Atlantic Railroad was constructed across the Bad River Reservation four years ago and the Indians have not yet been paid for the right of way. It seems that the Indian and the railroad company have not been able to agree on the amount of compensation that ought to be paid. The railroad company is occupying and using the land belonging to the Indians and its failure to ef-

[2] These figures are illegible on the original document.

fect a settlement with them gives it no inconvenience. The Indians should be paid, and the Government should adopt measures to effect an early adjustment of the controversy.

Two years ago the Duluth and Winnipeg Railroad was constructed across the Fond du Lac Reservation. The compensation for right of way was agreed upon, but for some reason unknown to this office the money has not been paid to the Indians. During last April and May in councils held with the Boise Fortes, Fond du Lac, and Grand Portage bands they consented to grant the Duluth and Winnepeg Railroad Company right of way across the Red Lake and other Chippewa reservations in northern Minnesota. The compensation agreed upon was $5 per acre for the land required by said railway company.

The Northern Pacific Railroad is built across the Fond du Lac Reservation along its southern border, about 12 miles. The Indians claim that the railway company has not paid them for the land taken for right of way, and if they are entitled to compensation steps should be taken to secure it for them.

Highways.—Highways or public roads are greatly needed and the road laws of the State should be extended over the reservations. The Indians are unable to construct highways on account of lack of funds, but in many cases the county authorities would build roads across the Indian country for the accommodation of the public if they had authority to enter upon the lands and to make the necessary preliminary arrangements with the Indians for right of way.

The sixteenth section.—On all the reservations of the agency in the State of Wisconsin it appears that the sixteenth sections have been claimed by the State and sold to diverse parties. Some of these lands were valuable for the pine timber growing on them. In any cases the timber has been removed by parties claiming title from the State; some of these parties are dead, some have gone to parts unknown, and others are insolvent. Under a recent opinion of the Attorney-General of the United States it is held that the State of Wisconsin has no title to these lands. Within the past year, in the trial in the United States court at Madison, of an Indian charged with having committed murder on Sec. 16, T. 40 N., R. 8 W. of fourth principal meridian, the judges were divided in opinion as to the status of this section, one of them holding that the section belonged to the State of Wisconsin, the other that it belonged to the Indian reservation. The Indians have always claimed the sixteenth section as a part of their reservation, and they have always protested against the appropriation of these lands by whites.

Claims.—The Indians claim that there is due them from the Government, under the treaty of 1854, the sum of $120,000; they also allege that large sums of money are due under the provisions of former treaties. These claims should receive the early attention of the office, and if they are just they should be paid. On the other hand, if they should prove to be without foundation the Indians should be so advised, so that all further controversy in relation to them may be terminated. These claims are a source of constant irritation, and the Indians waste a large amount of valuable time in their discussion. The agitation of these tribal matters gives prominence to the so-called chiefs and magnifies the prestige of the nonprogressives, who do not hesitate to charge the Government with bad faith in failing or refusing to execute solemn treaty stipulations. By persistent talk over these treaty claims and other tribal matters this party of chronic kickers makes a demonstration of its strength and exercises a deleterious influence over the mass of the Indians. The peace and prosperity of these people require that all controversies growing out of their relations to the National Government should be speedily and satisfactorily determined.

Missionary work.—Christian missionaries have been engaged for many years in the effort to convert these Indians to Christianity. Many of them have embraced Christianity, but the greater number still adhere to their ancient superstitions. The Catholic Church has planted the standard of the cross on all these reservations except that of the Boise Fortes. With this exception it has a chapel on each, in which religious exercises are held at regular intervals. The Presbyterian Church maintains a missionary at Round Lake on the Lac Court d'Oreilles Reservation, and another at Odanah on the Bad River Reservation.

Conclusion.—The Indians of this agency as a whole are making some progress in civilization. They manifest a better appreciation of the value of civilized occupations and a greater earnestness and persistence in the pursuit of them. Some of them are abundantly able to manage their own affairs and no longer require the guardianship of the National Government. The Government should assume the burden of maintaining literary and industrial schools among them for a number of years.

As rapidly as they display the ability to provide themselves with food, clothing, and shelter in a civilized way they should be thrown upon their own resources. Dependence upon the Government is demoralizing: it is destructive of that manly self-reliance without which success is impossible.

When the Indian has obtained a fair knowledge of any of the industrial pursuits followed by civilized men; when he has acquired the rudiments of agriculture, manufactures, and trade and learned to give intelligent direction to the forces of nature, he should then, like the rest of humanity; be left to the guidance and government of the divine injunction, "In the sweat of thy brow shalt thou eat thy bread."

Respectfully submitted.
M. A. LEAHY
United States Indian Agent

Public Law 280, August 15, 1953*

An Act to confer jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of actions arising on Indian reservations within such States, and for other purposes.

. . . Sec. 2. Title 18, United States Code, is hereby amended by inserting in chapter 53 thereof immediately after section 1161 a new section, to be designed as section 1162, as follows:

"Sec. 1162. State jurisdiction over offenses committed by or against Indians in the Indian country

"(a) Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the state, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State:

"State of		Indian country affected
California	. . . . .	All Indian country within the State
Minnesota	. . . . .	All Indian country within the State, except the Red Lake Reservation
Nebraska	. . . . .	All Indian country within the State
Oregon	. . . . .	All Indian country within the State, except the Warm Springs Reservation
Wisconsin	. . . . .	All Indian country within the State, except the Menominee Reservation

"(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof . . . ."

* U.S. *Statutes at Large*, 67, pp. 588-590.

Bad River Band's "Declaration of Cold War," November 10, 1959*

A Declaration of War

When, in the course of human events, it becomes necessary to protect the rights and liberties of certain peoples of this great nation from encroachment by other peoples, it is the duty of the Tribal Council, the governing body of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin, to take measures that will protect the members of said Band from unjust arrests by State Conservation officials.

IT IS HEREBY DECLARED, that a state of cold war exists between the Bad River Band of Chippewa Indians and the officials of the Wisconsin Department of Conservation, and that such state shall exist until such time as the State of Wisconsin shall recognize Federal treaties and statutes affording immunity to the members of this Band from State control over hunting and fishing within the boundaries of this reservation.

During this period, State conservation officials shall be denied access to all tribal and restricted lands within the boundaries of this reservation.

Nothing in this declaration shall be construed to mean that the Tribal Council condones any un-Christian act, or any act of violence upon any person, or to be taken to sanction any riot, or in any manner disturbing the peace. It is known that any such acts are punishable under State law, such jurisdiction having been given by this Band under the Act of August 15, 1953 (67 Stat. 588; Public Law 280).

Certification

I, the undersigned, as Secretary of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin, hereby certify that the Tribal Council is composed of seven members, of whom 6, constituting a quorum were present at a meeting thereof duly called, noticed and convened on the 10th day of November, 1959, and that the foregoing declaration was duly adopted at said meeting by an affirmative vote of 5 members, none against, and that said declaration has not been rescinded or amended in any way.

/s/ Donald R. Ames
Donald R. Ames
Secretary-Treasurer
Tribal Council

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* *A Declaration of War, November 10, 1959* Department of Natural Resources Records, Record Series 27, Box 149, Folder 4, Archives Division, State Historical Society of Wisconsin, Madison.

Summary of Voigt Case Decisions, 1983-1991*

The following constitutes a summary of final decisions in the case of *Lac Courte Oreilles Band of Lake Superior Chippewa Indians, et al v. State of Wisconsin, et al.* The summary is divided by substantive area rather than by individual court decisions.

Allocation: All harvestable natural resources to which the Chippewas retain rights are to be apportioned equally between Chippewas and non-Indians.

Lands on which rights may be exercised: Private lands are generally not available for the exercise of treaty rights. Those private lands enrolled in the forest cropland or managed forest land program are open to the exercise of treaty hunting and fishing rights. Treaty rights may be exercised on public lands in the ceded territory including national, state, and county forests. In addition, some private lands may be available in very limited circumstances if the tribe cannot satisfy their needs on public lands.

Resources subject to treaty rights: The Chippewas have the rights to utilize all fish, game, and plant resources of the ceded territory. The treaty rights do not include the use of timber for commercial purposes.

Methods: Chippewas may utilize all the harvesting methods employed at treaty times and methods developed since.

Commercial activity: The products gained from the exercise of treaty rights may be sold to non-Indians by modern methods of distribution and sale.

State regulation of treaty rights: The State of Wisconsin may regulate the exercise of treaty rights in the following ways:

1. The state may regulate where regulation is reasonable and necessary for conservation.
2. The state may regulate for public health and safety where a substantial detrimental hazard to public health or safety exists or is eminent.

Tribal preemption of state regulations: Effective tribal regulation may preclude state regulation of a resource or activity. Tribes may regulate members exclusive of state regulation as long as tribal self-regulation is effective. In order for tribal self-regulation to be effective, the tribe must:

1. adequately address the legitimate state conservation and public health and safety concerns.
2. provide effective enforcement mechanisms including competent and adequately trained enforcement personnel.
3. provide a form of official tribal identification for tribal members exercising off-reservation rights.
4. provide a full exchange of relevant information between tribes and the state. This information must include scientific and management information as well as harvest data about the affected resources and geographical area.

Management of resources: The state is the manager of the natural resources in the ceded territory.

Specific hunting regulations: The following regulations apply to tribal hunting activities:

* Prepared by Attorney Howard J. Bichler.

1. The hunting season extends from the first Tuesday after Labor Day through the last day of the year.

2. Hunting hours are the same as state hunting hours.

3. Permits are required to hunt deer.

4. Deer must be registered by the tribal hunter.

Specific fishing regulations: The following regulations apply to tribal fishing activities:

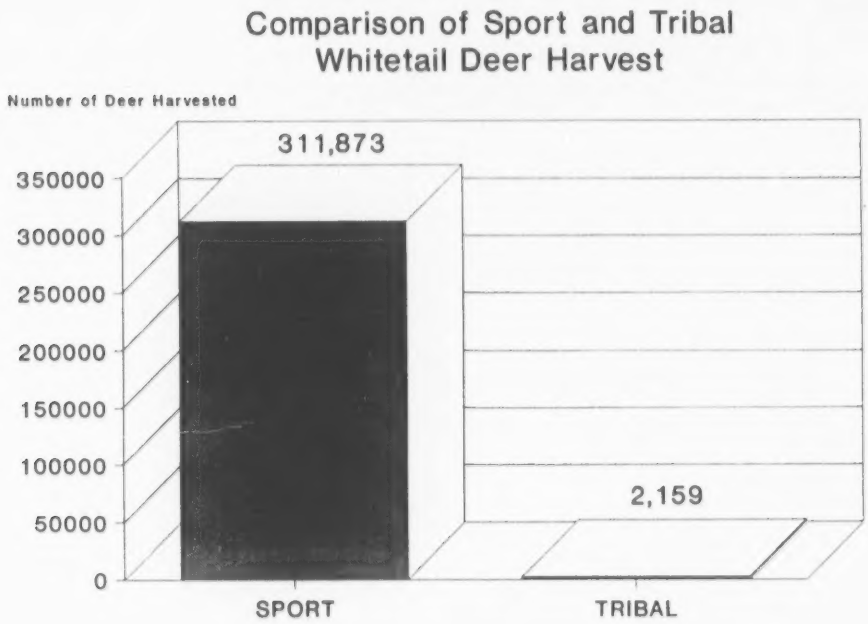
1. Any size lake may be speared.

2. Only lakes of 1000 acres or more may be gill-netted.

3. Spearing and netting activities may be conducted year-round until the tribal quota has been reached.

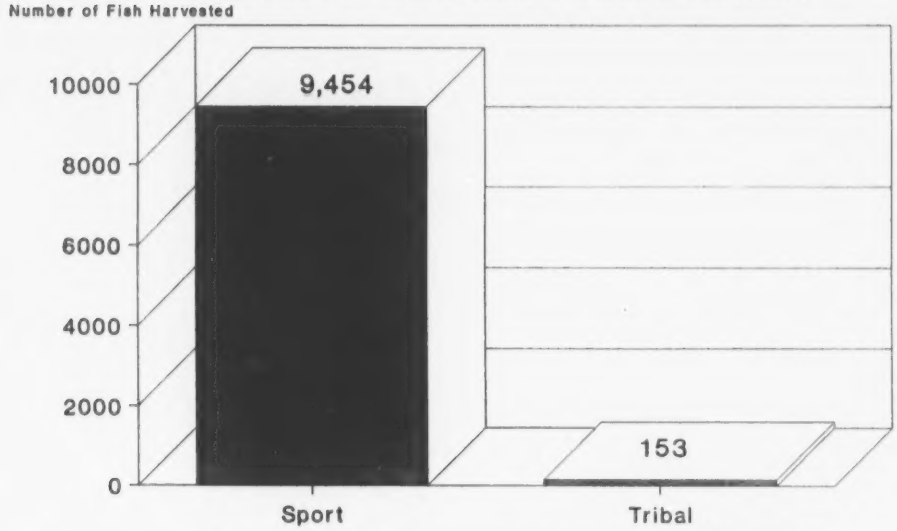
Damages: The tribes may not sue for damages resulting from past state interference with the tribes' off-reservation rights recognized by the treaties of 1837 and 1842.

Tribal and Sport Resource Harvest Graphs, 1983-1990*



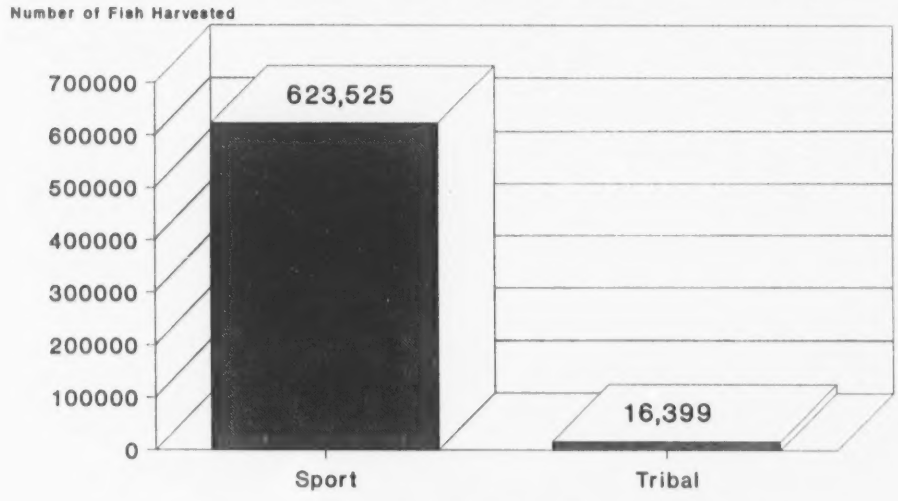
* Ronald N. Satz, *Chippewa Treaty Rights* (Madison: Wisconsin Academy of Science, Arts and Letters, 1991), Fig. 38, p. 113.

Comparison of Sport and Tribal Musky Harvest in Wisconsin's Ceded Territory



Average Annual Musky Harvest, 1985-1989
Spearing did not resume until 1985

Comparison of Sport and Tribal Walleye Harvest in Wisconsin's Ceded Territory



Average Annual Walleye Harvest,
1985-1990
Spearing did not resume until 1985

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* Ronald N. Satz, *Chippewa Treaty Rights* (Madison: Wisconsin Academy of Science, Arts and Letters, 1991), Fig. 39, p. 114, Fig. 40, p. 115.

Tribal Harvest Licenses and Wisconsin Angling License*

28 29 30 31 Month_____ 1 2 3 4 5

27 Off-Reservation Treaty Fishing Permit № 0756 6

☐ Spearing ☐ Fyke Netting

26 ☐ Seining ☐ Gill Netting 7

25 Tribal ID Number _____ of _____ Reservation 8

Signature of Permitee: _____

24 Issued by: _____ of _____ Reservation 9

23 Water: _____ County: _____ 10

Bag Limit: Walleye _____ Muskellunge _____

22 Other Restrictions: _____ 11

21 20 19 18 17 16 15 14 13 12

Spearing Times:

Starting _____

Ending _____

Number of:

Walleye per boat _____

Musky per boat _____

WALLEYE LENGTHS

* Reproduced with permission of the Great Lakes Indian Fish and Wildlife Commission and the Wisconsin Department of Natural Resources.

License Fee: $9.10

1990 RESIDENT FISHING LICENSE

Voluntary contribution $1.00 for lake research/clean water. Paid ☐ Yes ☐ No

Issued pursuant to Chapter 29, Wis. Stats. NR 8.01(1)(i) and NR 8.04, Wis. Adm. Code require that a valid Wis. drivers license, Wis. Dept. of Transportation identification card, or Wis. DNR sportsperson identification number be provided to purchase this license and the number entered here

SAMPLE

If the applicant does not have one of the above, a DNR 1940 Declaration of Residency must be completed for identification purposes and this box checked →

Last Name (MUST BE PRINTED)

First Name Middle Name

Street or Route

City State Zip Code

Date of Birth

Color Eyes

Color Hair

Weight

Height

___ Male ___ Female

State of Wisconsin
Department of Natural Resources
Madison, Wisconsin 53707

I hereby certify that I have maintained my permanent residence in Wisconsin for the previous 30 days and that my license privileges are not otherwise revoked. I have complied with all of the laws regulating the issuance and purchase of this license.

Signature of Licensee

Issued by DEPARTMENT OF NATURAL RESOURCES

Date Issued

Secretary

This License Expires December 31, 1990.

License must be carried on person of licensee while fishing and exhibited to a conservation warden on demand

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Wisconsin Law Requires a Trout Stamp for fishing Trout in the Inland Waters of Wisconsin

WISCONSIN TROUT STAMP
Place trout stamp here and sign across face.

You are encouraged to make a voluntary contribution of $1.00 for **lake research** when you buy this fishing license. The $1.00 is **in addition** to the license fee and will be used exclusively for research by the DNR to find ways to improve the quality of lakes in Wisconsin.

REPORT HUNTING AND FISHING VIOLATIONS
CALL 1-800-TIP-WDNR (847-9367)
TOLL FREE STATEWIDE 24-HOUR CONFIDENTIAL
(General information NOT provided from this number)

Wisconsin Law Requires a Great Lakes Salmon and Trout Stamp to fish salmon and trout in Lake Superior, Lake Michigan and Green Bay and Streams tributary to Lake Michigan and Green Bay up to the first dam or lake.

WISCONSIN GREAT LAKES SALMON & TROUT STAMP
Place Stamp Here and sign across face

* SEE FISHING REGULATIONS * FOR EXCEPTIONS

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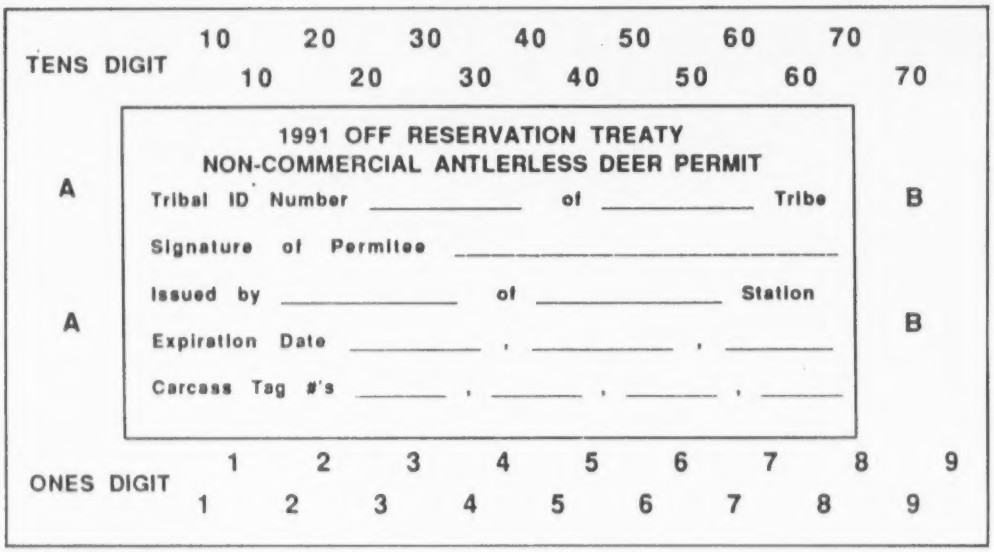
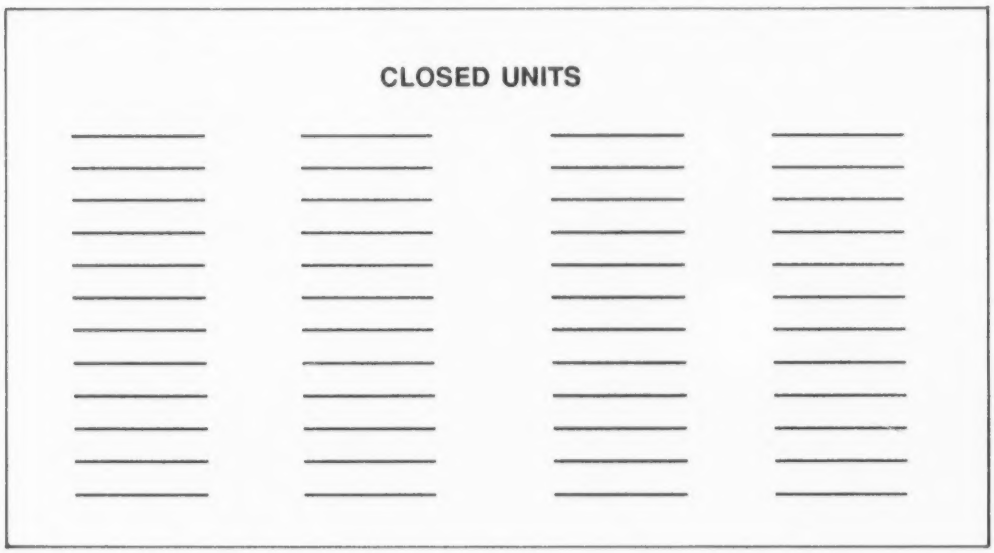

TENS DIGIT
10 20 30 40 50 60 70
10 20 30 40 50 60 70
1991 OFF RESERVATION TREATY
NON-COMMERCIAL ANTLERLESS DEER PERMIT
A
B
Tribal ID Number _____ of _____ Tribe
Signature of Permitee _____
Issued by _____ of _____ Station
A
B
Expiration Date _____ , _____ , _____
Carcass Tag #'s _____ , _____ , _____ , _____
ONES DIGIT
1 2 3 4 5 6 7 8 9
1 2 3 4 5 6 7 8 9


CLOSED UNITS

Joint Fishery Assessment, 1991*[1]

This report provides an objective statement about the rights reserved by the Chippewa Indians, the status of the fishery resources, and the rights of the State of Wisconsin to use those resources. It discusses how the management agencies measure the number of fish taken by the various harvest methods and the techniques used to translate those data into impacts of the harvest on the fishery resource.

A steering committee composed of federal, state, and tribal officials was formed to implement the action plan included in Senator Inouye's appropriation legislation. The Committee identified two main objectives:

1. Prepare a report on the status of the fishery resources in the ceded territory that would address two primary questions — "Has Chippewa spearing harmed the resource?" and "Is the fish population in the ceded territory healthy?"

2. Develop capabilities for generating fish population data for the various waters to form the data base needed for managing the joint fishery.

Their answers to these questions are: NO! — Chippewa spearing has not harmed the resource; and YES! — the fish population in the ceded territory is healthy.

Chippewa treaty fishing rights are being exercised within an environment of changing societal pressures on Wisconsin's fishery resources. The outcry raised among some sectors in response to the Chippewa Indians' harvest of fish by spears and nets has focused on questions about what the real impact of the tribal harvest is in comparison to the other factors that affect the resource.

Human societies have long used and valued the fishery resources of the ceded territory. Fish were a staple in the diet of pre-settlement tribal societies. Chippewa tribal harvesting rights remain in effect, and are protected by treaty. Angling is valued as a wholesome recreational activity that also provides food and is a major component of the regional tourism industry. The Indian and non-Indian cultures and economics of northern Wisconsin have much at stake in the current and future status of the fishery resources.

Wisconsin Governor Tommy Thompson and the tribal governmental leadership were concerned about the increasing boat landing protests and claims of resource over-exploitation and sought increased Federal involvement to help resolve the controversy. Senator Daniel K. Inouye, Chairman of the Senate Select Committee on Indian Affairs, and the Wisconsin Congressional Delegation responded by securing a $300,000 appropriation from Congress. Senator Inouye proposed that the funding be used to address the public fear and uncertainty related to impacts of the hunting, fishing, and gathering rights claimed by the Chippewa Indians. Federal courts have ruled that the Chippewa Tribes retained those rights when they ceded the northern third of Wisconsin to the U.S. government in treaties. The agencies that are responsible for resource management and for serving the needs of the user public have now joined forces to respond to the

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* U.S. Department of Interior, *Casting Light Upon the Waters: A Joint Fishery Assessment of the Wisconsin Ceded Territory* (Minneapolis, MN: Bureau of Indian Affairs, 1991), p. 13.

[1] This report was jointly conducted and endorsed by the Wisconsin Department of Natural Resources, the Great Lakes Indian Fish and Wildlife Commission, the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service, the Joint Assessment Steering Committee, the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Red Cliff Band of Lake Superior Chippewa Indians, the St. Croix Chippewa Indians of Wisconsin, and the Sokaogon Chippewa Community of Wisconsin (Mole Lake Band).

fear and uncertainty generated by biased perceptions of treaty fishing and the unknown effects of many stresses on the resource. The time has come to set a new course for the future to manage the fisheries on a joint, sustainable basis for all generations to come.

Tribal and Federal fish population assessment capabilities have been enhanced with equipment purchased through this appropriation. Setting a course for the future requires a firm grasp of where we are now. Since 1983, the management agencies have taken great strides in increasing their knowledge of the walleye resource, in their realization of the need for more information on which to set tribal harvest quotas, and to address questions of "equity" among fishers and fisheries. The long term sustainability of the resource requires continuing assessments and more thorough data analyses. During the preparation of this report the several management agencies involved realized that they had some common understandings — the most important being their shared concern for the resource. This report has also helped to solidify on-going cooperative efforts for fisheries assessment, enhancement and protection. The Joint Assessment Steering Committee that prepared this report has worked diligently to provide objective answers to the questions about the impact of Indian spearfishing on the stability of fish populations in the ceded territory and about the present status of the resource. The stage is now set for an on-going commitment by the respective agencies to incorporate and integrate the findings of this report into management plans for the future. Wisconsin's fishery resources can only benefit from this new commitment.

Resource Management Decision Makers, 1991*

Bad River Band of Lake Superior Tribe of Chippewa Indians of Wisconsin

Tribal Natural Resources Department
P. O. Box 39 Odanah, WI 54861
Telephone: (715) 682-7103
Fax: (715) 682-6679
Natural Resource Programs:
Fish and Game Management, Forestry Management, Environmental Protection, Realty Development, Water Resources Management, Wisconsin Conservation Corps
Current operating budget: $352,000

The Bad River Indian Reservation encompasses approximately 125,000 acres. The Kakagon and Bad River systems flow within reservation boundaries and into Lake Superior. These river systems converge in a large wetland area often referred to as the Sloughs. A wide variety of forest resources and vegetative cover types are also found on the reservation and provide economic benefits and essential habitats for tribal members and numerous wildlife species. The tribe has formed the Bad River Natural Resources Department and given it responsibility for maintaining and enhancing the resources of reservation lands and waterways. Since the Bad River Tribe retains treaty-reserved fishing rights in the waters of western Lake Superior, effective management of shared Lake Superior fish stocks is a major responsibility.

The Bad River Natural Resources Department is staffed by seven full-time and up to seven seasonal positions. Full-time personnel include: department administrator, fisheries specialist, tribal conservation warden, forestry technician, fish and wildlife technician, realty specialist, and environmental specialist. Seasonal employees include a five man Fish Hatchery Crew and additional project-specific employees. A Wisconsin Conservation Corps crew of seven trainees also proves valuable assistance to the Bad River Natural Resources Department in its management activities.

Fisheries management and enhancement activities include management of a coolwater fish hatchery and an on-reservation and Lake Superior fisheries management program. Personnel from the Bad River Tribe, Wisconsin Department of Natural Resources, and U.S. Fish and Wildlife Service are now entering the fourth year of cooperative data collection for shared walleye stocks within the greater Chequamegon Bay area. Additional accomplishments include implementation of a cooperative stocking effort along with the Cable Area Chamber of Commerce's Fish for the Future organization. This effort has blossomed into a model of cooperation between user groups. A seasonal fish hatchery operation stocks an average of six million walleye fry and fingerlings into reservation waters annually. Fish and wildlife data collection activities are ongoing.

Conservation wardens enforce tribal natural resources ordinances and assist in monitoring harvest activities, both within reservation boundaries and in Lake Superior waters.

Bureau of Indian Affairs forestry management personnel and the Bad River forestry technician conduct an ecologically sound forest use and management plan for the reservation. The Bad River forestry management program has developed a tribal logging enterprise that provides economic benefits to the tribe and provides valuable on-reservation forestry management. State, federal and tribal fire control personnel work cooperatively.

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* U.S. Department of Interior, *Casting Light Upon the Waters: A Joint Fishery Assessment of the Wisconsin Ceded Territory* (Minneapolis, MN: Bureau of Indian Affairs, 1991), pp. 21-28.

The Bad River Natural Resources Department has recently added an environmental specialist position to monitor environmental conditions within reservation boundaries.

Lac Courte Oreilles Band of Lake Superior Chippewa Indians

Route 2, Box 2700, Hayward, WI 54843
Telephone: (715) 865-2329
Natural Resource Programs:
Fish Management and Culture, Wildlife, Conservation Law Enforcement, Parks and Recreation
Current operating budget: $183,897

The Lac Courte Oreilles Chippewa Tribe has formed its own Conservation Department. Its responsibilities are to enforce, protect, and conserve the natural resources of the 70,000 acre Lac Courte Oreilles Reservation.

The Conservation Department consists of six full-time staff members: a director/biologist; a senior game warden/fish specialist; a safety officer; a parks and recreation officer; a conservation aide; and a secretary/dispatcher. All personnel other than the secretary have law enforcement duties.

Conservation department law enforcement officers enforce tribal codes and ordinances that regulate such activities as non-Indian hunting on tribal lands, woodcutting, and garbage dumping. Other duties include maintenance of campsites, co-management of snowmobile trails, and inter-agency assistance.

Duties of the biologists include fish hatchery operations, conducting fisheries and wildlife surveys, water quality monitoring, and natural resource management planning.

Construction of a new tribal fish culture complex will be completed in the spring of 1991. This complex includes a hatchery building and four fish culture ponds.

Lac du Flambeau Band of Lake Superior Chippewa Indians

P. O. Box 67, Lac du Flambeau, WI 54538
Telephone: (715) 588-3303, ext. 254 and 256
Fax: (715) 588-7930
Natural Resource Programs:
Fish Culture, Fisheries Management, Wildlife, Forestry, Conservation Law Enforcement, Resources Marketing, Water Resources, Parks and Recreation
Current operating budget: $272,000

The Lac du Flambeau Chippewa Tribe operates its own Natural Resource Department under the constitution and by-laws of the Band. The constitution gives the Tribal Council the responsibility "to regulate the use and disposition of tribal property, to protect and preserve the tribal property, wildlife, and natural resources of the Lac du Flambeau Band of Lake Superior Chippewa Indians . . . . "

Eight natural resource programs are conducted by the department under the general direction of the tribal administration. Day to day operations of the department are managed by the fish and game director, assistant fish and game director, and tribal forester. Currently, 21 people are employed by the department.

The primary objectives of the fish culture and fisheries management programs are (1) to propagate all species of fish needed for stocking reservation waters and border lakes and (2) to determine the status of the fish populations in reservation lakes and streams.

Depending on the numbers needed to meet fisheries management objectives, various species of fish are raised by the fish culture program. Fish culture personnel produce walleye, muskellunge, largemouth bass, smallmouth bass, white suckers, fathead minnows, brown, rainbow, and brook trout to various sizes (fry, fingerling, broodstock, etc.) using pond and raceway techniques. In 1989, 14,800,000 walleye fry, 715,000 walleye fingerlings (1½-2 inch), and 78,100 other fingerlings were stocked in reservation waters. Other species included muskellunge, brown trout, brook trout, and largemouth bass.

To develop data on which to base fisheries management objectives for the 158 lakes on the reservation (approximately 20,000 surface acres of water) tribal biologists use fisheries assessments techniques such as creel surveys, popu-

lation estimates, hydroacoustics, mark-and-recapture, and age and growth. Open water creel surveys have been conducted annually since 1985 to identify the major user groups, to determine catch per unit effort, to estimate total harvest, and to gather information on the method of fishing, angler residency, etc.

Interagency coordination and cooperation are required to facilitate the implementation of natural resource plans. The Tribal Natural Resource Department works with the U.S. Fish and Wildlife Service, Great Lakes Indian Fish and Wildlife Commission, Bureau of Indian Affairs, other tribal natural resource programs, the Wisconsin Department of Natural Resources, the United States Geological Survey, U.S. Army Corps of Engineers, and the Town of Lac du Flambeau.

Public involvement in managing reservation resources consists of tribal input by utilizing surveys to determine opinions, concerns, and issues of tribal members. The tribal membership can also express their opinions, concerns, and issues to Tribal Council representatives, by referendum vote, and at council meetings.

Red Cliff Band of Lake Superior Chippewa Indians

P. O. Box 529, Bayfield, WI 54814
Telephone: (715) 779-5162
Natural Resource Programs:
Fish Management, Fish Culture, Wildlife Management, and Conservation Law Enforcement
Current operating budget: $235,000

The Red Cliff Chippewa Tribe has possessed shared status with the State since 1972 in the management of the fishery resources in the Wisconsin waters of Lake Superior. When the new fishery management agreement was reached with the State in 1985, the Red Cliff Tribe established a unified fishery management and conservation enforcement program with federal funding. That program continues to the present time. The program includes: (1) fishery management with a small staff that includes a professional fisheries biologist, two technicians and an office manager; (2) conservation enforcement with four conservation officers who are graduates of the state police academy; (3) a court system comprised of a professional attorney, two tribal judges and two paralegal assistants. The program provides capabilities for fishery resource assessment, research, monitoring of commercial fisheries, licensing and regulation, enforcement, and tribal prosecution of offenders. Because it has a complete program, the Red Cliff Tribe is able to meet the state of Wisconsin as an equal bargaining partner in the fishery management agreements.

In 1985, a 40-foot research and assessment vessel named "The Queen of Bayfield" was purchased. This acquisition enabled the tribe's fisheries department to conduct routine assessments of fishery resources in Lake Superior.

In 1987, lake trout fry acquired from the Iron River National Fish Hatchery were reared and released. In the fall of 1989, eggs of lake trout and lake whitefish were collected during the spawning season. These eggs were incubated and hatched in a small (120 sq. ft.) hatchery building on the reservation. Egg collection and hatchery operation have been conducted annually since 1989.

In the spring of 1990, a sportsmen's group (Fish for the Future) and the Red Cliff and Bad River Bands of Lake Superior Chippewa tried to resolve differences over the tribal spearing controversy by collecting walleye eggs from tribally speared walleyes, incubating them, and rearing the resulting fry in ponds on the reservation.

Current projects include the construction of a fish hatchery and office building for the Red Cliff Fisheries Department. The facility will be used to raise lake trout yearlings in concrete raceways and walleye fry in rearing ponds.

St. Croix Chippewa Indians of Wisconsin

P. O. Box 287, Hertel, WI 54845
Telephone: (715) 349-2195
Natural Resource Programs:
Fish Management, Fish Culture, Wildlife Management, and Conservation Law Enforcement
Current operating budget: $86,000

The St. Croix Chippewa Band's natural resource management program began in 1980 when the council hired a fish and game warden to enforce the St. Croix Tribal Natural Resources Code. The Natural Resources Code regulates on-reservation fishing, trapping, hunting, and gathering of wild rice. Tribal wardens cooperate with local sheriffs' departments, the Wisconsin Department of Natural Resources, and the Great Lakes Indian Fish and Wildlife Commission to enforce state conservation laws off-reservation in the Wisconsin ceded territory.

The Tribal Council expanded its role in natural resource management in 1989 by hiring a biologist to administer the Natural Resources Department. Funding reductions forced the Tribal Council to temporarily suspend its conservation enforcement program in the fall of 1989. A technician joined the Department staff in 1990. The on-reservation conservation enforcement program will be resumed by returning an officer to the staff in March 1991.

Cooperative activities and accomplishments include development of a walleye pond culture program that has stocked over 200,000 walleye fingerlings in nine northwest Wisconsin lakes, reseeding of wild rice, water quality monitoring, rough fish removal, fish habitat enhancement, fish population assessments, and a study of predator and prey relationships among wildlife.

The St. Croix Natural Resources Department's priority goals for the future include: (1) building a hatchery and equipment storage building with department office space and (2) construction of additional ponds for fish rearing.

The St. Croix Tribe will also be starting construction in 1991 of a major aquaculture project related to accelerated growth of salmon with an ancillary products division and processing capabilities.

Sokaogon Chippewa Community of Wisconsin (Mole Lake Band)

Route 1, Box 625, Crandon, WI 54520
Telephone: (715) 478-2604
Natural Resource Programs:
Fish Culture, Parks and Recreation
Current operating budget: $4,000

The Sokaogon Chippewa Community does not currently have a natural resources department but it operates a fish culture project that obtains eggs from speared walleyes for incubation and pond rearing. The project produces 2,000 to 5,000 walleye fingerlings annually for stocking in area lakes. The tribe also operates its own campground facility and has been upgrading and expanding it each year.

Planning efforts for the next three years hope to develop a natural resource code for the tribe.

Wisconsin Department of Natural Resources

Box 7921
Madison, WI 53707-7921
Telephone: (608) 266-2621
Fax: (608) 267-3579
Current operating budget:
Total Budget: $327,000,000
Fisheries Management Budget: $15,939,000

The mission of the Department is:

- To protect and enhance our natural resources—our air, land and water; our wildlife, fish and forests.
- To provide a clean environment and a full range of outdoor opportunities.
- And, in cooperation with all our citizens, to consider the future and those who will follow us.

Recognizing that the valuable natural resources of our state could only be protected and wisely managed through a coordinated effort,

the Wisconsin Legislature created the Department of Natural Resources in 1967. In creating the department, the legislature brought together closely related traditional conservation functions and combined them with newly emerging environmental protection programs.

The department coordinates the preservation, protection and regulation, of the natural environment for the benefit of the people of this state and its visitors. Included in its objectives are water and air quality maintenance, water supply regulations, solid and hazardous waste management, fish and wildlife management, forest management and protection, providing parks and recreation opportunities, lake management, wetland, shoreland and floodplain protection, and law enforcement.

A seven-member citizen Natural Resources Board appointed by the governor provides policy direction for the programs administered by the department. The department is organized with a headquarters office in Madison, six district offices, 15 area offices, and over 200 other field stations and offices. Over 70 percent of the department's personnel operate from field stations outside of Madison. The department is organized into divisions and subprograms to facilitate the accomplishment of its mission. The department employs a permanent staff of 2,765.

Division of Resource Management. Within the department, management of fish, wildlife, forests, state parks, and recreation properties is the responsibility of the Division of Resource Management. The division's responsibilities include planning and directing activities to protect, manage, conserve, and wisely use the state's fish, wildlife and forest resources. The division's goals are accomplished by establishing objectives that include protecting, maintaining, and developing both game and nongame species, as well as providing necessary public access. Fisheries Management is one subprogram within the division.

Fisheries Management Subprogram. The Fisheries Management Subprogram is responsible for protecting, maintaining, and selectively enhancing Wisconsin's fisheries and aquatic resources. The subprogram serves over two million anglers and protects and manages a resource that includes 15,000 inland lakes (totalling 1.2 million acres), 9,000 miles of trout streams, 8,000 miles of warmwater streams and rivers, over 6.4 million acres of the Great Lakes, and Wisconsin's portion of the Mississippi River. Professional fish managers maintain and develop over 650 separate public fishing areas totalling 130,000 acres to provide access or protect critical habitat. These combined resources provide over 36 million days of sport fishing each year and support a commercial fishing industry with a catch valued at more than $4 million annually. Independent surveys by the U.S. Fish and Wildlife Service have found that sport fishing in Wisconsin contributes more than $750 million to the state's economy each year.

Fishery Assessment Activities In Ceded Territory. Meeting Fisheries Management's specific responsibility to assess and manage the fisheries resources related to treaty fishing will require an estimated 33,000 hours of permanent time (costing over $400,000) and an additional $510,000 for temporary labor and other expenses during each of the next two years (1991-92 and 1992-93). Environmental and other fishery assessments, habitat development, hatcheries and stocking, public access development, permit review and other costs associated with the Fisheries Management Subprogram in the ceded territory cost an additional $4,260,000 per year.

Organizational Framework. Fisheries Management is highly decentralized with 94 percent of its total personnel assigned to district field programs. This reflects the department's district structure and provides a high degree of local service and public interaction.

Physical Plant. Fisheries Management operates 12 coldwater and four warmwater hatcheries in addition to a large fleet of vehicles, boats, motors, and other equipment. Personnel are stationed in 44 offices across the state.

1991-1993 Estimated Statewide Annual Fisheries Management Budget From All State and Federal Sources of Funding

SEG* Operations	$10,225,900
SEG* Development	55,300
Inland Trout Stamp	520,900
Great Lakes Salmon & Trout Stamp	596,600
General Tax Revenue (GPR)	399,900
Recreational Boating Fund	100,000
Boating Access-S.E. Wisconsin	100,000
Dingell-Johnson Federal Aid	3,400,000**
Other Federal Aid	540,400
Total:	$15,939,000

(* SEG, Segregated revenue from the sale of fishing licenses)
(** Anticipated federal funding for 1990-91 based on the 1989-90 apportionment)

Staffing. There are a total of 248.37 full-time positions (FTEs) attached to the Fishery Management Subprogram; 233 FTEs are assigned to the district field programs. Of these positions, 161 FTEs are support personnel (natural resource technicians, assistants, and maintenance personnel); 72 field positions are occupied by professional fisheries biologists (natural resource specialists and supervisors).

To meet program goals and objectives, fisheries personnel perform the following tasks:

1. Propagation at 12 coldwater and four warmwater hatcheries and stocking to maintain or enhance fish populations.

2. Resource assessments and surveys to identify critical habitat and fish populations for the environmental impact process and for permit reviews. Surveys also provide data on population structure, harvest, and exploitation for Native American treaty fishing implementation and assessment and for the regulation of sport and commercial fishing.

3. Management evaluations to determine the effectiveness of various management practices like stocking, regulations and habitat development. Evaluations provide quality control for the subprogram.

4. Maintenance and development of public fisheries areas, access sites, and habitat.

5. Public involvement in program development, public relations, and public education and information services.

6. Land acquisition to provide public access and protect critical habitat.

Bureau of Indian Affairs

Minneapolis Area Office
331 South Second Avenue
Minneapolis, MN 55401-2241
Telephone: (612) 373-1000
Fax: (612) 373-1186

Great Lakes Agency Office
615 West Main Street
Ashland, WI 54806
Telephone: (715) 682-4527
Fax: (715) 682-8897
Natural Resource Programs:
Fish and Wildlife Management, Conservation Law Enforcement, Recreation, Forestry, Archaeology, Hydrology, Geographic Information Systems, Environmental Quality.
Current operating budget:
Approximately $18 million for Minneapolis Area natural resource programs of which over 80 percent is distributed to tribal governments. The Wildlife and Parks Section allocates over $13 million to Minneapolis Area tribal and inter-tribal fish and wildlife management, conservation law enforcement and recreation programs.

The Bureau of Indian Affairs is the agency primarily responsible for assisting tribes in the administration of Indian trust property and for protecting and implementing treaties, laws, and

regulations that pertain to the affairs and welfare of American Indians. In its capacity as trustee and its government-to-government relationship with the tribes, the bureau is the lead agency designated by the Secretary of the Interior to fulfill departmental trust responsibilities, including assistance in tribal pursuit of self-determination goals. It is the mission of the bureau to develop, apply, and preserve a firm national policy for the conservation and enhancement of tribal resources.

The Minneapolis area office and its respective agency and field offices are responsible for implementing the Bureau's trust responsibilities for thirty reservations and four inter-tribal organizations in the midwestern states of Wisconsin, Michigan, Minnesota and Iowa.

The Great Lakes Indian Fish and Wildlife Commission

P. O. Box 9, Odanah, WI 54861
Telephone: (715) 682-6619
Fax: (715) 682-9294
Natural Resource Programs:
Biological Services (Inland Fisheries, Great Lakes Fisheries, Wildlife, Environment), Conservation Enforcement, Public Information, Policy Analysis, Natural Resources Development
Current operating budget: $3,047,644

The Great Lakes Indian Fish and Wildlife Commission was formed in 1984 by sovereign tribes of Chippewa Indians to provide coordination and services for the implementation of treaty rights to fish, hunt, and gather in the treaty-ceded territory, and to represent tribal interests in natural resource management in the ceded territory. Currently the commission has 13 member tribes: six in Wisconsin, four in Minnesota, and three in Michigan.

The Great Lakes Indian Fish and Wildlife Commission is governed by a board of commissioners, one from each member tribe. The Voigt Inter-tribal Task Force, a committee of the commission, is responsible for oversight of the commission's programs within the ceded territory. The task force approves model harvest regulations for enactment by the tribes, recommends budgets for adoption by the commission, and provides policy direction to the staff for interacting with state and federal resource management agencies.

The Great Lakes Indian Fish and Wildlife Commission is funded primarily by appropriations from the United States Congress. The commission receives appropriated funds from the Bureau of Indian Affairs through Self-Determination contracts authorized by the Indian Self-Determination Act of 1976.

The commission staff is organized into the following divisions: Conservation Enforcement, Biological Services, Public Information, Intergovernmental Affairs, Natural Resources Development, and Administration.

The Conservation Enforcement Division is delegated the power to enforce tribal laws governing off-reservation fishing, hunting, and gathering. The permanent staff includes 22 trained and certified officers. A satellite station is situated on each of the Wisconsin Chippewa reservations.

The Biological Services Division is further subdivided into these sections: Inland Fisheries, Great Lakes Fisheries, Wildlife, and Environment. The Inland Fisheries Section has a permanent staff of two professional biologists and two technicians, as well as dozens of seasonal personnel to assist in harvest monitoring and fishery assessment. The Director of the Biological Services Division serves as the commission's coordinator on the State and Tribal Technical Working Group for Inland Fisheries. The FY 1990 budget of the Inland Fisheries Section was $177,075. In FY 1991 it will be $217,088.

The programs of the commission are documented in detail in annual reports, in the bimonthly newsletter *Masinaigan*, and in a variety of other reports, pamphlets, and videotapes. Inquiries may be addressed to the Public Information Office.

Rights to Fish, 1991*

Treaty Rights

To understand the Chippewa treaty rights that are at issue in Northern Wisconsin, one must understand the nature of Indian tribes and tribal authority. Tribes are distinct political and legal entities recognized by the United States of America in its Constitution, in numerous federal laws and executive orders and by the federal judiciary. Tribes occupy a unique position within the United States Constitutional system. They possess sovereign powers, yet, like the states, they are subject to the dominion of the federal government. At the same time, they are different than the states.

Indian tribes were independent and sovereign nations in their own right before the arrival of Europeans in North America. In fact, the relationship between Indian tribes and European nations was that of one government to another under principles of international law that endure today. Just as the United States has always recognized Great Britain as a sovereign nation, the European nations recognized Indian tribes as sovereign nations in earlier times.

Historically, tribes possessed all of the rights and powers inherent in any sovereign nation. Thus, tribes enjoyed the complete right of self-government, to make their own rules and laws, and to be governed by them, in all areas of tribal life.

Today, tribes no longer possess all attributes of sovereignty because of how they fit into the United States constitutional system. The Constitution recognizes, defines, and allocates power among the governments of the United States, the several States, and Indian tribes. Each type of government has those powers that the Constitution allows.

Tribes no longer are independent nations that are separate from and independent of the United States. Indian tribes have been integrated into the United States system of government under the domain of the United States and they enjoy a quasi-sovereign status that is different from that of the several States.

Generally, today tribes possess those attributes of full sovereignty they once enjoyed that were not relinquished voluntarily by treaty, that Congress has not taken away, or that are not inconsistent with the unique status of tribes as "domestic dependent nations."

United States Authority Over Indian Tribes and the Trust Relationship

United States authority in the area of Indian affairs has been broadly interpreted. Congress has enacted many statutes that regulate nearly all aspects of tribal life, including commercial transactions, land purchases and disposal, trespass, and settlement by non-Indians within reservation boundaries. Those statutes also govern the furnishing of goods, services, and money by the federal government.

The United States Constitution confers upon Congress the power to regulate "commerce" with Indian tribes. The United States Supreme Court has interpreted this provision as giving Congress nearly total authority over Indian tribes. However, tribal sovereignty is retained and, until Congress acts, tribal powers persist.

Congress exercises its authority over Indian tribes within the limits of the Constitution. Thus, for example, when Congress takes Indian property for non-Indian use, the United States is liable under the fifth amendment to the Constitution for payment of just compensation. Likewise, if Congress were to take away treaty rights, the United States may be liable to pay just compensation.

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* U.S. Department of Interior, *Casting Light Upon the Waters: A Joint Fishery Assessment of the Wisconsin Ceded Territory* (Minneapolis, MN: Bureau of Indian Affairs, 1991), pp. 17-20.

The United States Supreme Court used the term "domestic dependent nations" to describe the unique status of tribes within the United States Constitutional system. The United States chose to allow tribes to continue their existence and to function as governments, albeit in a different and limited way. This choice placed the federal government in a position of special responsibility to Indian tribes and tribal members. The federal government must act as "trustee" on behalf of and for the benefit of Indian tribes. It must carry out its duties under the Constitution, treaties, and other laws to protect the rights and interests of tribes and tribal members. This is a fiduciary relationship like that of a trustee to a trust fund, a partner to a co-partner, or a guardian to a ward.

Tribal Authority and State Authority Over Indian Tribes. State authority to regulate Indian affairs is limited. Tribal sovereignty and applicable federal laws create two separate, but related barriers to state power. Generally, a state may not infringe on a tribe's right of self-government. A state may not interfere with any federal law, including a treaty, that recognizes or establishes tribal powers or rights. This is the general principle of preemption — federal laws prevent the application of state laws in an area of primary federal jurisdiction.

Congress may choose to confer limited authority upon states in Indian affairs and has done so on many occasions. The most relevant to Wisconsin is Public Law 83-280, adopted in 1953. Through this law, Congress delegated to Wisconsin and a number of other states jurisdiction over most crimes and over many civil matters occurring on reservation.

Treaties

The United States Constitution also gives the federal government exclusive authority to enter into treaties. As the United States expanded westward and encountered tribes, it was the federal government, not the states, that entered into numerous treaties with Indian tribes. Over 300 treaties were signed with tribes covering many subjects, including peace, removal, land cession, and the establishment of Indian reservations.

These treaties are part of the supreme law of the land, and are binding upon the states and superior to any state law. Treaties remain part of the law of the land unless and until they are modified or terminated by Congress.

"Treaty rights" quite simply are the benefits guaranteed to the parties of a treaty. They are like contract rights. Each party to a contract has certain rights under the contract. One party must honor the benefits that the agreement ensures for the other party. Like rights that endure under the terms of a contract, treaty rights must be honored regardless of when a treaty was made unless Congress chooses to modify or terminate the treaty.

From a tribal perspective, treaty rights are those rights that a tribe has kept and not given up in a treaty. Through treaties, Indian tribes gave up some aspects of their sovereignty while holding onto others. Properly speaking, treaties between tribes and the federal government involve the granting of certain rights to the United States by the tribes, not the granting of rights or privileges from the United States to the tribes.

Off-reservation treaty rights to hunt, fish, and gather are among the rights reserved by the Chippewa tribes. These rights were not given up in the Treaties of 1837 and 1842, or in any subsequent treaties. This reservation of rights is similar to an easement or the retention of mineral rights by a seller of real estate.

Numerous court decisions have ruled that treaties are to be liberally construed in favor of Indian signatories. Language used in treaties should not be construed to the Indians' disadvantage. Ambiguous wordings in a treaty are to be resolved in favor of the Indians, especially if a term may have more than one meaning. Finally, treaties are to be construed as they would have been understood by the Indians when the treaty was signed.

These same principles are found in contract law. When a dispute arises, a contract will be construed against the party that drafted it. Ambiguous provisions of contracts whose terms

heavily favor the party that occupied the superior bargaining position often will be construed to the benefit of the other party or as the other party understood them.

Chippewa Off-Reservation Rights in Wisconsin. In 1983, in what is commonly referred to as the Voigt case, the United States Court of Appeals for the Seventh Circuit determined that the Chippewa tribes had reserved off-reservation hunting, fishing, and gathering rights in the territories ceded by the tribes in the Treaty of 1837 and the Treaty of 1842. The off-reservation hunting, fishing, and gathering rights affirmed in the Voigt case are part of the sovereign rights that the Chippewa have always had and that have never been voluntarily given up or extinguished by the federal government.

The treaty provisions at issue in the Voigt case are the following:

1) "The privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded, is guaranteed to the Indians, during the pleasure of the President of the United States" (Treaty of 1837).

2) "The Indians stipulate for the right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to be removed by the President of the United States" (Treaty of 1842).

The ceded territory involved in the Voigt case essentially consists of the northern one-third of Wisconsin. The 1837 ceded territory consists of approximately the southwestern one-half of that area. The 1842 ceded territory consists of approximately the northeastern one-half of that area, including the southern shore of Lake Superior. The 1842 ceded territory also includes portions of Lake Superior itself. However, Lake Superior is not involved in the Voigt case by agreement of the parties.

The Voigt Case

The Voigt case has been pending in the United States District Court, Western District of Wisconsin, since 1973. It has been the subject of 6 trials at the District Court level, 3 appeals to the Seventh Circuit Court of Appeals and 1 Petition for review to the United States Supreme Court.

Suit was filed by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians against the State of Wisconsin and a number of state officials challenging the power of the State to regulate the off-reservation harvest by tribal members. The Tribe claimed that state laws interfered with tribal hunting, fishing, and gathering and was therefore in violation of the guarantees provided in the Treaties of 1837 and 1842.

In 1978, the Federal District Court granted summary judgment in favor of the State of Wisconsin and dismissed the action. It held that all rights under the treaties had been revoked by the Treaty of 1854. In 1983, the Seventh Circuit Court of Appeals reversed the District Court ruling, holding that the rights reserved by the Treaties of 1837 and 1842 had not been revoked or terminated and continue to exist. The appellate court returned the case to the District Court for further proceedings to determine the scope of the treaty rights, the extent to which the State may regulate the exercise of those rights and what damages, if any, the tribes may recover as a result of the State's infringement of the treaty rights.

The State of Wisconsin petitioned the United States Supreme Court to review the Seventh Circuit Court's decision. The Supreme Court chose not to review the case.

After the decision of the Seventh Circuit Court of Appeals, the five other Chippewa Bands located in Wisconsin joined in the lawsuit (Bad River, Lac du Flambeau, Mole Lake, Red Cliff, and St. Croix) and the six plaintiff tribes proceeded with the case in the District Court.

The District Court then divided the proceedings into three phases:

Phase I: Declaratory Phase—determination of the nature and scope of the treaty rights;

Phase II: Regulatory Phase—determination of the permissible scope of state regulation; and

Phase III: Damages Phase—amount of damages, if any, to which the tribes are entitled for infringement on treaty rights.

Phase I proceedings to determine the nature and scope of the treaty rights were held in December 1985 before Judge James Doyle. Judge Doyle ruled that all resources in the ceded territory could be harvested by tribal members using all modern methods of harvest. Judge Doyle further ruled that the resources could be personally consumed or be traded or sold to anyone using the modern-day market economy. Finally, the Judge held that the tribes are entitled to as much of the resources as will ensure them a modest living.

Upon Judge Doyle's death in 1987, the case was assigned to Judge Barbara Crabb. The State sought to appeal Judge Doyle's ruling. However, Judge Crabb denied this request and proceeded with the case at the District Court level.

On August 21, 1987, Judge Crabb reaffirmed the standard principles enunciated in other treaty rights cases from throughout the country. She held that the State may regulate in the interests of conservation provided that such regulations are reasonable and necessary for the conservation of a particular species or resource in a particular area, that they do not discriminate against Indians, and that they are the least restrictive alternative available. Judge Crabb also ruled that the State may impose such regulations as are reasonable and necessary to protect public health and safety. However, she held that the tribes possess the authority to regulate their members and that effective tribal self-regulation precludes state regulation.

By agreement of all parties and of the court, Phase II was divided into "subphases" intended to address certain discrete regulatory questions or resources. The subphase proceedings that focused on walleye and muskellunge harvests were held in October 1988. Many of the issues originally scheduled for trial at this subphase were resolved by mutual agreement. On March 3, 1989, Judge Crabb held that, as long as the tribes adopt regulations incorporating the biologically necessary conditions established by the State at trial, the tribes are self-regulating as to walleye and muskellunge. She ordered the State not to interfere with the tribes' regulation of the treaty walleye and muskellunge harvest, except as the tribes have otherwise agreed.

On May 9, 1990, Judge Crabb issued a decision resulting from the deer subphase and from various other issues presented for her resolution. Consistent with her decision on walleye/muskellunge harvests, Judge Crabb enjoined the enforcement of state law provided that the tribes enact a system of regulations consistent with her decision. The tribes have done so.

The most significant aspect of the May 9, 1990, deer decision is Judge Crabb's ruling that the tribal allocation of treaty resources is a maximum of 50 percent of the resource available for harvest.

As to fish species other than walleye and muskellunge, the tribes and the State have agreed that quotas are not necessary at this time. However, if the harvest increases significantly, a quota system for the species involved will be implemented.

On February 21, 1991, Judge Crabb issued her long-awaited timber decision. She ruled that the Chippewa tribes did not reserve a treaty right to harvest timber commercially. However, the tribes do have a treaty right to gather miscellaneous forest products, such as maple sap, birch bark, and fire wood; subject to non-discriminatory state and county regulations.

The timber decision is the final step at the District Court level. After a final judgment is entered (expected in the near future), the parties will have to decide what issues, if any, they wish to appeal.

At this time, neither the tribes nor the State have indicated which issues, if any, they may chose to appeal. It is possible that the Voigt case could be appealed to the United States Supreme Court after review by the Seventh Circuit Court is completed.

Court Cases and Other Sources on Which the Above Statements are Based:

U.S. Constitution:

Article II, Sec. 8, Par. 3 (Indian Commerce Clause).

Article II, Sec. 10, Par. 1 (Treaty Clause).
Article VI, Par. 2 (Supremacy Clause).

Treaties:
1837 (7 Stat. 526).
Treaty of 1842 (7 Stat. 591).
Treaty of 1854 (10 Stat. 1109).

Voigt Decisions:

United States v. Bouchard, 464 F. Supp. 1316 (W.D. Wis. 1978) (Judge Doyle's ruling that Chippewa off-reservation rights had been terminated by the Treaty of 1854).

Lac Courte Oreilles v. Voigt (LCO I), 700 F. 2d 341 (7th Cir. 1983), cert. denied 464 U.S. 805 (1983) (7th Circuit ruling that Chippewa off-reservation rights have not been terminated).

Lac Courte Oreilles v. State of Wisconsin (LCO III), 653 F. Supp. 1420 (W.D. Wis. 1987) (Feb. 1987 Doyle Decision—determination of scope and extent of Chippewa off-reservation rights).

Lac Courte Oreilles v. State of Wisconsin (LCO IV), 668 F. Supp. 1233 (W.D. Wis. 1987) (Aug. 1987 Crabb Decision outlining legal principles applicable to the Voigt case).

Lac Courte Oreilles v. State of Wisconsin (LCO V), 686 F. Supp. 226 (W.D. Wis. 1988) ("Moderate living" decision).

Lac Courte Oreilles v. State of Wisconsin (LCO VI), 707 F. Supp. 1034 (W.D. Wis. 1989) (Walleye/Muskellunge decision).

Lac Courte Oreilles v. State of Wisconsin (LCO VII), 740 F. Supp. 1400 (W.D. Wis. 1990) (Deer/Allocation decision).

Lac Courte Oreilles v. State of Wisconsin (LCO VIII), ___ F. Supp. ___ (W.D. Wis. 1990) (Oct. 1990 Damages decision).

U.S. Supreme Court Decisions:

United States v. Wheeler, 435 U.S. 313 (1978) (Congress has plenary authority over Indian Tribes, but tribal powers persist until Congress acts).

Shoshone Tribe v. United States, 299 U.S. 476 (1937) (United States must pay just compensation for taking of Indian property).

Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1 (1831) (Indian tribes are "domestic dependent nations" and United States has trust duty toward tribes).

U.S. v. Winans, 198 U.S. 371 (1905) (reserved rights doctrine). *Jones v. Meehan*, 175 U.S. 1 (1899) (canons of treaty construction outlined).

Appendixes

A. Glossary
B. Selected Bibliography
C. Cover Sheet for Suggestions

Appendix A

Glossary

Acculturation: the process by which one set of cultural traits is replaced by another.

Allocation System: system in which the products that are obtained by Chippewas performing varying subsistence activities are shared among all members of the group.

Allotment: a parcel of land or homestead assigned to an individual Indian, usually the head of a family, by the United States in an effort to replace communal property ownership with private property ownership. The title of the land is held in trust by the United States or it is given to the Indian with the condition that the land can not be sold without the consent of the United States.

Allowable Catch: the number of fish that can be safely taken from a given lake. After the allowable catch is taken from the lake, the remaining fish population must be able to sustain itself.

Anishinabe: the name the Chippewa Indians have for themselves. Literally translated, it means "the original people" or "human beings."

Annuity System: a payment system for land acquired from Indians that results in fixed, periodic payments in cash, goods, or services for a term of years.

Appellate Jurisdiction: the power that an appellate court (a court of appeals) has to review and revise the judicial action of a lower court.

Assimilation: acceptance and absorption of one social group by another.

Band: a group of Indians united under the same leadership in a common design, for example the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

Boarding Schools: schools to which Indian children were taken and educated in non-Indian ways. The children boarded or lived at the school.

Bureau of Indian Affairs: a federal agency headed by the Commissioner of Indian Affairs, who is appointed by the President with the advice and consent of the Senate. The purpose of the agency is to facilitate the administration of the laws governing Indian Affairs. (For additional information, see Fundamental 34.)

Ceded Territory: the land recognized as belonging to the Chippewas which the United States acquired as a result of treaties.

Chippewa: one of the largest Indian tribes north of Mexico. Presumed to have migrated south to Wisconsin from Canada by historic times. Early Wisconsin settlements

included the sites of the six contemporary reservations at Lac du Flambeau, Lac Courte Oreilles, Bad River, Red Cliff, Mole Lake, and St. Croix. They are also known by the names Ojibway and Anishinabe.

Chippewa Nation: title by which the United States referred to all the Chippewas collectively for negotiation purposes. No such single political organization existed from the Indian perspective. Instead they were organized at the band level.

Citizenship: the privilege of being a member in a political society. The privilege includes a duty of allegiance on the part of the member and a duty of protection on the part of the society.

Civilization: the culture and conditions of a group of people. American officials sought to transform Indian culture and replace it entirely with American social and political institutions, religious practices, and kinship patterns.

Clan: a cluster of related Indian families claiming a common ancestor but not necessarily belonging to the same band.

Consent: to agree to something, or give assent or approval. To be legally binding, a person must clearly understand what he or she is agreeing to do.

Conservation: planned management of a natural resource. The purpose is to prevent exploitation, destruction, or neglect.

Contract: an agreement between two or more persons. Each person agrees to a set of actions.

Dawes (General Allotment) Act: enacted by the U.S. Congress in 1887 to provide for partitioning reservations and assigning each adult Indian male a parcel of land which was known as an allotment or a homestead.

Department of Natural Resources: a state agency charged with protecting the natural resources in the state through the regulation of hunting, fishing, and other activities which affect natural resources. (For additional information, see Fundamental 34.)

Domestic Dependent Nations: term used by Chief Justice John Marshall in the Supreme Court case of *Cherokee Nation v. State of Georgia* (1831) in which he described the "peculiar" relationship of the Indian tribes *within* the borders of states of the Union as "domestic dependent nations" or "wards" of the federal government while retaining the "unquestionable" right to their lands and remaining distinct political societies.

Dual Citizenship: Americans have dual citizenship — they are, for example, citizens of the United States and citizens of the state in which they reside. Chippewa Indians are also citizens of their band.

Factory System: a system of government trading houses (each under the supervision of an agent or factor) designed to purchase animal pelts from the Indian in exchange

for goods supplied by the United States under the direction of the president. In Wisconsin, factories (trading houses) existed at Green Bay (1815-1821) and at Prairie du Chien (1815-1822).

Family: group of related individuals living and working together. In Chippewa culture the role of the family was central to social, political, and economic activities.

Foreign Nation: a political union or community of people under a sovereignty other than that of the United States. A nation is foreign to another nation, if the two nations owe allegiance to two separate governments.

Game Warden: law enforcement officer responsible for enforcing rules and regulations regarding fishing and hunting. (For additional information, see Fundamental 34.)

Gill Netting: a method of fishing using a flat net, which has meshes, suspended vertically in the water. The net allows the head of a fish to pass into it but entangles the fish as it tries to withdraw.

"Good Faith": as used in the Northwest Ordinance (1787), it means to do something without malice or the intention of defrauding or gaining an unfair advantage.

Government to Government Relations: the economic and the political relations between the governments of sovereign entities.

Great Lakes Indian Fish and Wildlife Commission: an Indian agency charged with protecting natural resources in the ceded territory and with regulating off-reservation tribal harvest activity. GLIFWC was created by the Chippewas of Wisconsin, Minnesota, and Michigan in the wake of the Voigt Decision and is responsible for managing resources affected by the Chippewas' hunting, fishing, and gathering in the ceded territory. (For additional information, see Fundamental 34.)

Guardianship: relationship identified in the Marshall Trilogy by which the federal government is to act in a parental role in its relationship with Indian tribes. (See Fundamental 10.)

Hatchery: a place for incubating fish eggs.

Indian Militancy: the activism which began to appear among various Indian groups in the late 1960s and 1970s by which they sought to improve their condition throughout the country by making their disadvantaged and impoverished condition visible to the general public and by reasserting tribal sovereignty and demanding federal protection of their reserved rights.

Indians Not Taxed: phrase in the U.S. Constitution referring to the status of Indians as non-citizens of the United States. This refers to most Indians before 1924, although some Indians became citizens, owned property as citizens, and were taxed.

Judicial Canons of Interpretation: standards of interpreting Indian treaties that evolved during and after the treaty making era. (For additional information, see Fundamental 11.)

"Just and Lawful War": term in the Northwest Ordinance relating to a defensive action or an act of retribution as the only form of warfare the United States should take against Indians.

Land Cession: the assignment, transfer, or yielding up of territory by one state or government to another.

Land Ownership: the right of possession and control of property, including the right to protect and defend such possession against the intrusion or trespass of others. Land ownership consists of a variety of rights including: air rights, water rights, mineral rights, access rights, and use rights.

Leverage: organizing to gain greater political change, power, or effectiveness.

Nation: an organized people usually living in the same area, speaking the same language, sharing the same customs, and having a continuous history. One nation is distinguished from another by their origin and characteristics. American policy makers often referred to large tribes of Indians, or a group of affiliated bands, not necessarily operating within the same political organization, as a nation.

Negotiations: the deliberation, discussion, or conference upon the terms of a proposed agreement; the act of settling or arranging the terms and conditions of a bargain, sale, or other business transaction.

Ojibway: the name applied to the Chippewas by the early French traders, later changed to "Chippewa" by other non-Indians who traveled into the area.

"Peace and Friendship": term used in the Northwest Ordinance which described the policies with which the federal government promised to deal with Indian tribes.

Pleasure of the President: term used in the Chippewa — U.S. treaties of 1837 and 1842 describing the length of time the Indians were allowed to exercise their reserved rights in territory they otherwise ceded to the federal government. Federal treaty commissioners told the Indians it meant "more than one man's lifetime." The Indians understood it to mean as long as they did not harm the advancing non-Indian population.

Privileges of Occupancy: the customary rights associated with land ownership.

Property Rights: any type of right to or interest in specific property whether it is personal or real property, tangible or intangible.

Removal Policy: U.S. Government policy associated with Andrew Jackson's desire to secure legislation in 1830 to relocate Indians living east of the Mississippi River into unorganized territory west of the Mississippi River.

Removal Order: order issued by President Zachary Taylor on February 6, 1850, under which the Chippewas residing in Wisconsin and Michigan were to move to Minnesota. The order was officially repealed by President Millard Fillmore in 1852 after the legislature of Wisconsin and many of the economic interests in Wisconsin petitioned to allow the Chippewas to remain in the state.

Reservation: a tract of land under control of the Bureau of Indian Affairs, set apart by treaty or executive order for perpetual occupancy by Indians or until the right of occupation has been surrendered to the United States.

Reserved Rights: rights not given or granted but retained by the sellers in an exchange.

Resource Management: the activity of controlling the impact of activities which, if uncontrolled, would damage natural resources. The six Chippewa bands and the Wisconsin Department of Natural Resources are all charged with the responsibility of managing the natural resources so as to protect resources and insure their availability for all people.

Seasonal Cycle: the subsistence activities that are characteristic of the various seasons.

Seasonal Migration: movements during the various seasons designed to maximize the Chippewas' ability to gain their subsistence from the land while minimizing their impact on the natural resources.

Sovereignty: the supreme, absolute, and uncontrollable power of an entity to govern and regulate its internal affairs without foreign dictation.

Spearing: the act of rendering an animal or fish into possession through the use of a spear.

Subsistence: a means of support, or providing the provisions needed to live.

Supreme Law of the Land: Article VI of the U.S. Constitution declares that all laws made in pursuance of the Constitution and all treaties made under the authority of the United States shall be the "supreme law of the land" and shall take precedent over any conflicting provision of a state constitution or law.

Termination: a federal Indian policy during the 1950s which sought to conclude the federal government's relationship as the guardian of the Indian tribes.

Treaty: a written contract between nations that expresses consent.

Tribal Game Warden: law enforcement officer responsible for enforcing rules and regulations regarding fishing and hunting. (For additional information, see Fundamental 34.)

Tribal Natural Resource Programs: organized efforts by tribes to conserve natural resources. (For examples see Fundamental 34.)

Usufructuary Rights: the right to enjoy use or to harvest something, which belongs to someone else. A landowner, for example, can sell a piece of land but include in the contract the right to continue to fish forever on a lake on that property.

Voigt Decision: general title of Chippewa treaty rights litigation. (See also Fundamental 30 for details regarding final decisions in this case.)

Wardship: the concept of federal guardianship over Indian tribes which emerged from John Marshall's Supreme Court decision in the 1830s.

Wisconsin Death March: term applied to the attempts to remove the Chippewas from Wisconsin and Michigan in 1850-51 by making them trek to Sandy Lake in the late fall to receive their annuities. On the trip to and from Sandy Lake, several hundred Chippewas died from starvation and exposure.

Work Cycle: pattern of subsistence activity in which at different times of the year different members of the band or clan would perform activities made most productive by the season.

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To order *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*, contact the Wisconsin Academy of Sciences, Arts, and Letters, 1922 University Avenue, Madison, WI 53705, (608) 263-1692.

To order publications from the Great Lakes Indian Fish and Wildlife Commission or to obtain a complimentary subscription to *Masinaigan* (Talking Paper), a bi-monthly newsletter, write to GLIFWC, P.O. Box 9, Odanah, WI 54806, or call (715) 682-6619.

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Economic Impact of the 1837 and 1842 Chippewa Treaties, by David R. Wrone, and "Keeping our Word: Indian Treaty Rights and Public Responsibilities, A Report on a Recommended Federal Role Following Wisconsin's Request for Federal Assistance," by Rennard Strickland, Stephen J. Herzberg, and Steven R. Owens, are available from the Great Lakes Indian Fish and Wildlife Commission at the address above.

News From Indian Country: The Journal (Published by Indian County Communication, R. 2, Box 2900-A, Hayward, WI 54843; a one-year subscription is currently $18/sent 3rd class mail.)

To Feel the Summer in the Spring: The Treaty Fishing Rights of the Wisconsin Chippewa, by Charles F. Wilkinson, is available through the Continuing Education and Outreach Office of the University of Wisconsin-Madison law school.

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